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WOMEN'S ACCESS TO LAND AND HOUSING POST-1994 IN THE INFORMAL SETTLEMENTS AT FICKSBURG IN THE FREE STATE SOUTH AFRICA

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award of the degree of Masters of Philosophy in Development Studies*

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Compulsory Declaration

This work has not been previously submitted in whole, or part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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ABSTRACT

This dissertation investigated the constraints that inhibit women from getting access to formal housing and land in Ficksburg in the Free State province of South Africa. The study sought to substantiate the hypothesis that inequalities within South African societies have been aggravated by gender dynamics and conservative macro-economic development agendas in post-apartheid South Africa in the form of development programmes like the Redistribution and Development Programme (RDP), Growth Employment and Redistribution (GEAR), as well as Building New Ground (BNG). Throughout the study, women were viewed from a marginalisation perspective. This study relies heavily on qualitative research methods. The instruments used for data collection were semi-structured interviews and participant observation. The interviews were conducted with fifteen women dwelling in shacks that are legally located in those settlements, ten women dwelling in Masak'hane/RDP houses, five women living in shacks in the informal settlements, but illegally located, and six women living in the informal settlements in self-built houses, as well as the Senior Manager at Setsoto Municipality Department of Housing. The practical and strategic gender needs of women were also used to analyse the situation of women in the informal settlements. The main findings of this study revealed that large numbers of participants do not have financial backup, and that made them ineligible to meet the requirements of the financial institutions for housing funds. Low wages limited women from getting access to land and housing from the market like their male counterparts. Along with this, constitutional laws, customary laws and registration of title deeds seemed to have complicated women's access to land and houses. Low standards of education, lack of knowledge, age and absence of identity documents were found to be other constraints. Although women in all categories struggled to get access to land and formal housing in Ficksburg informal settlements. The findings revealed that single, separated women and women under 21years struggled more than old, divorced and married women.

ABBREVIATIONS

AIDS:	Acquired Immune Deficiency Syndrome
ANC:	African National Congress
AU:	African Union
BEE:	Black Economic Empowerment
BNG:	Building New Ground
CCS:	City Council of Santa Monica
CEDAW:	Convention on the Elimination of all forms of Discrimination Against Women
CERD:	Convention on the Elimination of Racial Discrimination
CIDA:	Canadian International Development Agency
DAG:	Development Action Group
DoH:	Department of Housing
DoL:	Department of Land
GEAR:	Growth Employment and Redistribution
GDN	Garden
HIV:	Human Immunodeficiency Virus
ICCPR:	International Covenant on Civil and Political Rights
IDT:	Independent Development Trust
IMF:	International Monetary Fund
MERG:	Macro Economic Research Group
MIIF:	Municipal Infrastructure Investment Framework
MIP:	Municipality Infrastructure Programme
NP:	National Party
RDP:	Redistribution and Development Programme
RSA:	Republic of South Africa
SAP:	Structural Adjustment Programme
SOWETO:	South West Townships
SSA:	Statistics South Africa

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CHAPTER 1

1.1 Introduction

In recent years, there has been much concern about the issue of the rapid growth of the population and crime in African cities and towns. This is attributed to rural-to-urban migration which is caused primarily by poverty in the rural areas, the labour demands in the cities, as well as high birth rates (Maasdorp, 1975). For these reasons, the fast-growing informal settlements in towns and cities have become a chronic problem in almost every country in the developing world. The purpose of this study is to find out the constraints which inhibit women from getting access to formal housing and land at Ficksburg in the Free State province of South Africa.

1.2 The research questions and objectives of the study

The main research question was: “What are the constraints that inhibit women living in informal settlements from getting access to land and formal housing?”

The question was investigated by means of face-to-face interviews and participant observation. The theoretical question for the study was: “Why do these constraints or factors that inhibit women from getting access to land and formal housing still exist in the new democratic South Africa?” The question was answered through consultation of secondary sources, such as books, journals, government documents, the internet, and some responses obtained from the interviews.

The study sought to substantiate the hypothesis that inequalities and poverty in South Africa have been exacerbated by gender dynamics, and conservative macro-economic development agendas perpetuated by neo-liberal policies in post-apartheid South Africa. These were implemented through development programmes like the Redistribution and Development Programme (RDP), Growth Employment and Redistribution (GEAR), and Building New Ground (BNG) (Bond 2002; Desai 2004; Huchzermeyer, 2006).

The main objective of the study was to find out why women in the informal settlements cannot get proper housing in post-1994 South Africa. Subsidiary objectives were first: to find out the chief factors, which compel women from the rural areas to live in informal settlements. It is worth noting that the focus here was on the social, economic, political and cultural issues, as well as on various institutional factors. The second objective was to investigate the limitations that women in the informal settlements have, which inhibit them from getting access to land and housing.

The study has focused on women's constraints, ranging from financial, political, social and gender dynamics, as well as the institutional constraints. The third objective was to uncover the problems encountered by women within the informal settlements. The problems encountered by women in the informal settlement included livelihood security, health issues, and the necessary means of meeting their basic needs.

The study is informed by discussions and critiques of capitalism, focused mainly on neo-liberal theory, under which the state plays a minimal role within the economy with emphasis on a free market and profit maximization. To facilitate this, governments privatise basic services and enterprises. The focus investigated how neo-liberal policies have affected women. Throughout the study, women were viewed from the marginalisation perspective. The marginalisation perspective has uncovered women's hidden experiences and revealed the forms of differentiation between them and men. It has overtly portrayed that women's status was constructed by traditions, religion, the constitution, institutions, capitalist relations of production, and social relations within the communities (McLean, 2008).

1.3 A statement of the problem

The main concern was to investigate the constraints which inhibited women in the informal settlements from getting access to housing after 1994. Academics and activists often approach men and women's needs and experiences as all the same. As a result, men's experiences are

often taken as the experiences of the entire community or household and women's experiences and needs have been ignored (Ducker, Matsebe, Rust and Njiro, 2003).

The macro-economic policies that were implemented in the new democratic South Africa have largely affected negatively poor women's access to land and housing. These policies have increased the disparity between men and women. They were more market-oriented and benefited men, as they have formal jobs and occupy high positions which are paying well at work (GEAR, 1997). This seems to have exacerbated the challenges facing poor women in their struggles to access land and adequate housing.

Estimates vary, but it may be assumed that currently more than half of the population lives in areas which are functionally urban (Huchzermeyer and Karam, 2006). Despite this, South Africa has many examples of deteriorating inner cities and small towns, poorly serviced townships and spatially distorted urban areas. These areas have become complex and costly to manage and service.

UN-HABITAT (2005) observed that women make up the majority of this population, mostly earning money from informal sector activities. Although advances have been made in changing the status of women, there is no national machinery yet in place to facilitate this process. This study has argued that the roots of the present inequalities within South African communities lie not only in the State and in the economy, but also in the household, labour markets, communities, and relations between men and women in all these areas.

1.3.1 Value of the study

This study attempts to contribute to an understanding that women can be active agents of change. Their contribution to the economic growth of the country is not being noticed because they are considered economically inactive. They are accorded a lower social status than men, and this has made them ineligible to access valuable resources.

The interest of the study stemmed from the present housing backlog, poverty, overcrowding, high crime rates, and xenophobic attacks. These issues are high profile and vital concerns within South Africa's informal settlements today.

The study was interested in unveiling the constraints which have prevented women from getting access to land and housing and from exploring strategies employed by the government in the post-1994 era to address the housing needs of the poor in this situation where the demand for formal housing is higher than the supply. It has also sought to demonstrate the effectiveness and ineffectiveness of the various policies that have been implemented since 1994.

1.4 The historical background to the study

The Native Act of 1913 confined African land ownership to only seven percent of the total land area in South Africa. Later this was increased to thirteen percent, with the addition of the released areas by the Native Trust and Land Act of 1936 (Mabin, 1992). This drew a firm line between white and black land holdings by segregating Africans and Europeans on a territorial basis. African farming was only allowed in the "native reserves". These areas later became the so-called homelands (Department of Land affairs, 2007). Since then, land has been an important factor in South African segregation policies, and there is a strong overlapping of land rights and group rights that has become an ongoing political problem.

The First World War disrupted the progress of the country, and very little housing was built. In 1920 the Union Government passed the Housing Act, which was the result of an investigation conducted by a public health commission into the influenza epidemic of 1918. The Act reflected the segregationist government's concerns about blacks and whites living together, and therefore made local authorities responsible for initiating, constructing and managing housing schemes. This was done through the granting of low-interest loans to local authorities (Knight, 2004).

The Second World War of 1939-1945 interrupted the building of sub-economic home ownership schemes, including housing for black people. Khanya College (2001) reported that reason for

this was the scarcity of building materials after the war. This resulted in slow progress in the building of these housing schemes. However, urbanisation increased significantly during and after the war. Many black people were employed in the war industries and many soldiers returned from the war (Mabin, 1992).

In the rural areas the poor white farmers and black workers were virtually pushed off the land. Because of these developments, unemployment rates increased and housing shortages worsened (Khanya College, 2001).

The National Party (NP) government in 1947 provided protected employment and privileged housing for white workers through the local authorities and the Parastatals. The State controlled housing for black workers; access to housing was linked to work and work was linked to housing. The compounds and hostels continued to house mineworkers. On the farms, workers continued to live in controlled housing and domestic workers lived in quarters provided by their employers, in backyards or on the rooftops of flats. This State-controlled housing resulted in huge squatter camps on the outskirts of the urban areas (Khanya College, 2001).

On the eve of the 1994 elections, the new government inherited a major housing crisis from the apartheid regime. Black people lived in appalling conditions in hostels, compounds, dilapidated housing, shacks, and informal settlements far from their places of work. There were different housing departments for different racial groups, each with their own policies. There was a huge housing shortage. The housing policies of the time bore little or no relation to sustainable development and the creation of jobs (Van Coller, 1990).

Ducker, et al (2003) noted that the housing policy, as originally drafted in 1994, echoed the support for community participation processes. Specifically, the original national housing subsidy scheme required the formation of 'social compacts' comprising representatives of the local community, the developer, and other stakeholders. These social compacts, established on a project-by-project basis, were intended to guide the subsidy-delivery process in respect of that project, and to offer the intended beneficiaries a voice.

Upon implementation, it became apparent that social compacts were also being construed in other ways. For some community members they become convenient power bases, and were used to obstruct rather than to facilitate the subsidy-delivery process. The apparent goal in these instances was to amass local power as a “representative” of the community, in the face of a considerable investment of resources. For some developers, they were used as a mechanism to legitimise the housing-delivery process without having to make any concessions to the will of the community (Ducker, et al, 2003).

Over time, and in the context of rising pressure from all sides to increase the pace of delivery, social compacts became perceived as stumbling blocks and obstructions to the smooth delivery process (Ducker, et al, 2003).

Notwithstanding the significant points raised by the development sector about the virtues and importance of participation in the sustainable housing process, it remains true that participation is chaotic, that it takes time, and that it has the potential to stall the delivery process. In the context of an overwhelming need for delivery, this cost was considered by policy makers to be too great to bear (Ducker, et al, 2003). In addition, it is worth considering whether the housing policy and the consequent delivery programme were sufficiently flexible to accommodate the consequences of participation.

In addressing the backlogs, Ducker, et al (2003) stated that it was anticipated that capital costs would be borne at the local service-provider level, through the redirection of existing capital budgets, borrowing and equity from private sector investment in service delivery companies; by high-income households paying full costs for internal services and connection fees; and by consolidated Municipal Infrastructure Programme (MIP) mechanisms which would replace the various other grant mechanisms that had to-date underpinned the Municipal Infrastructure Investment Framework (MIIF) Programme.

The MIIF was a central component of the RDP's programme for meeting basic needs and promoting economic growth in municipal areas. Investment in housing and infrastructure created economic opportunities in terms of job creation, high levels of saving and investment, as well as the stimulation of the manufacturing and supply industries, while also making households more productive (Khanya College, 2001).

In conclusion, this chapter has sought to define the purpose and the objectives of the study and to provide a background to the housing backlog. Securing women's rights to housing and land is fundamental to improving women's status, and their lives. Without independent rights to adequate housing and land, women remain inescapably dependent on men and are doomed to lives of insecurity, abuse and exploitation. The result of this situation amounts to an unstable state of limbo for millions of individual women. On the one hand, a woman can easily be forcibly evicted from her home or land at any time, often without any choice whatsoever. On the other hand, women can easily become trapped in situations of violence and exploitation because they have nowhere else to go.

CHAPTER 2

2.1 The literature review

The purpose of this chapter is to define the term “informal settlement” and to locate it within its broader context and understanding as construed among different scholars. The chapter seeks to demonstrate how gender relations have facilitated inequality between men and women in human settlements. This chapter also facilitates answers to the research questions, while at the same time seeks to justify the statement of the problem. This chapter attempts to conceptualise the themes that have thus far become clear in the study of women. Related studies were also explored in this chapter.

2.1.1 Definition of informal settlements

Informal settlements are defined in a variety of ways, but there is general agreement on their core characteristics. They are created through a process of unassisted self-help and tend to have two or more of the following characteristics when they were initially created:

- 1) Most houses are self-built by the families occupying them, initially using temporary building materials.
- 2) The settlements are illegal in some way (whether that is the land tenure, the house construction or both).
- 3) The construction does not comply with urban building criteria.
- 4) The settlements are not well serviced.
- 5) They are mostly occupied by people living in situations of poverty (Bauman, Huchzermeyer, Bolnick, Roux and Wimpey, 2004).

The above characteristics were used to define informal settlements in this study. Napier (2006) identifies five types of informal settlements in South Africa, but, for the purpose of this study, the focus was mainly on two types of informal settlements: Informal housing on serviced land, and illegal informal settlements (illegal occupation of land). The types of housing in the settlements studied ranged from shack housing to self-built houses and RDP houses.

UN-HABITAT (1997) estimated that South Africa had 18 percent of all housing and 25 percent of urban housing built of temporary materials within the informal settlements. Coupled with the fact that Africa is the continent with the highest numbers of people living with HIV and AIDS, the impact on the livelihoods of households living in such conditions is extreme, and is likely to stretch established coping mechanisms beyond their limits.

Napier (2006) has pointed out that there is growing evidence that poverty is no longer confined to rural areas, but is also extended to the informal settlements, as the process of urbanisation has extensively demonstrated, and it is likely to continue alongside the rise of urban populations.

Another feature of informal settlement is that residents of these settlements are particularly vulnerable to crime. Abbot (2000) stated that while property crimes might seem to be high because of valuable assets possessed by some residents, the impact of burglaries is no less significant as a result of the lack of access to insurance and finance, and the consequential vulnerability of poor households. Easily broken structures make burglary, and indeed a range of other violent personal crimes, more possible and likely.

Unemployment rates among young middle-aged men, as well, seem to perpetuate crime in the informal settlements. To deal with their idleness they opt for crime as a way of making a living (Boda, 2005; Abbott, 2000).

Crouser (1998) noted that since 1994 South Africa has reportedly experienced a massive influx of illegal immigrants from neighbouring countries. The process has resulted in increased pressure on the resources available within the country, as well as the ability to provide shelters and other service needs for the residents.

The growth of informal settlements in the urban areas is significantly linked to poverty within the rural areas; the people in the rural areas find themselves compelled to migrate to urban areas in search of a better life and employment. Richards (2006) attributed the growth of informal settlements in South African cities to the influx of thousands of new residents every year in

search of work and the better life. He pointed out that this has led to the housing backlog coupled with a shortage of housing subsidies. According to him, many South Africans who have migrated from rural areas to towns and cities have no alternative but to live in informal housing and shacks.

The DoH (2004) attributed informal settlements to the rapid growth of urbanisation in South Africa. This has made it difficult for authorities to provide new residential areas quickly enough. It also means that rural migrants and immigrants build on any vacant land they come across by whatever means and with any material they can find. In South Africa, as in many other developing countries, informal settlements persist, despite the government's targeted provision of low-cost housing, since this service is too slow.

2.1.2 Conceptualisation and operationalisation

Women's rights under the South African Constitution (Act 108, 1997) put it nicely by saying that women are obviously protected by the full range of rights, including the right to fair wages, education, legal contracts and the right to own property. However, in this study the focus is on the access to property, and specifically to land and housing. Women's rights refer to the various freedoms and entitlements of women and girls of all ages. These rights may or may not be institutionalised, ignored or suppressed by law, local custom, and the behaviour of a particular society.

Legal rights mean full legal entitlements. AU (2003) proposes that women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, member countries must grant women, despite their marital or social status, access to adequate housing. This implies that government should ensure that all men and women are treated equally.

Access to land and housing in this study refers to having legal rights to land and adequate housing. Legal rights to land are obtained when a household has security of tenure. The level of

security of tenure depends on the evidence that the occupants of any settlement can provide, like title deeds or permits. Security of tenure can only come in the form of a property title or a lease (Huchzermeyer, and Karam, 2006). Occupants within the informal settlements often do not have any security of tenure, as some of them occupy the land illegally. The people who occupy the land without security of tenure are therefore considered to be illegal occupants.

The permit to occupy (PTO) is another common security of tenure usually granted in the informal settlements. Permits to occupy are temporary documents, granted conditionally, and they can be unilaterally revoked by an administration whenever it considers that the permit holders have not fulfilled their obligations (Huchzermeyer and Karam, 2006).

Anyone who does not possess the above documents is regarded as an illegal occupant. Any woman who is prevented, either by laws, financial status, social status, marriage, or belief, from accessing a formal house or land in this study is considered to have no access to land and housing.

Building on the Constitution, the legislative framework for housing is first and foremost underpinned by the Housing Act (no. 108) of 1997. This bill clearly states that the government must give priority to the housing needs of the poor in housing development and ensure that housing development is economically, fiscally, socially affordable and sustainable (Section 2c).

According to the Act, 'adequate housing' refers to permanent residential structures with secure tenure, ensuring internal and external privacy, providing satisfactory protection against the elements, and providing potable water, satisfactory sanitation and domestic energy (Housing Act no. 108 of 1997). 'Housing' in this study is understood to refer to quality houses with enough space and protection for all the members of the household and with a consistent supply of clean water, energy, decent garbage and sewerage disposal, as well as a good infrastructure (Napier, 2006).

In the post-1994 era, numerous financial institutions and NGOs have been established to help Africans obtain access to bank loans, primarily to set up or develop small businesses and access their own housing unit through social housing. Social housing is understood in this study to mean optional housing for low-income and medium-income people provided by housing institutions (Ducker, et al, 2003).

The capital costs are only partially subsidised by the State, while the ongoing costs are not subsidised at all (Charlton, 2004). Although this has been a great improvement, a number of poor women are not able to access this type of housing due to their shrinking wages.

Another conceptual theme explored in this study is an understanding of ‘forced eviction’ from places of dwelling like farms, and homes. Combrinck (2009) suggested that this can be seen as a form of forced eviction, which has been defined as the permanent or temporary removal against their will of individuals, families or communities from the home or land that they presently occupy, without the provision of, or access to, legal recourse and other forms of protection.

The causes of forced evictions include development and infrastructure projects (such as dam building) and urban redevelopment projects. However, the causes can also be gender-specific. For example, domestic violence can drive women out of their homes, and discriminatory inheritance laws or customs can result in the eviction of women from their homes and lands (Charlton, 2004). Victims of domestic violence, who have no option but to leave their homes in order to escape the violence, have much in common with victims of more ‘conventional’ forced evictions.

The South African Constitution guarantees the right to have access to adequate housing (Section 26(1)). Section 26(3) deals with evictions, and suggests that no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. The Constitution furthermore provides for the right to be free from all forms of violence from either public or private sources, as well as the right to gender equality (CEDAW, 1998).

2.2 Women's access to land and housing

Housing offers women a sense of security, safety, comfort and a space in which to bring up their families, to set up small and micro-businesses, to rest and to feel a sense of communal belonging. In 1994, it was estimated that there were between three and five million homeless and displaced people in South Africa, over a million of whom were living in abject squalor in overcrowded and unsanitary informal settlements or squatter camps (Khanya College, 2001).

UN-HABITAT (2005) stated that in general, white women living in South Africa have equal rights with men, comparable to the situation in the United Kingdom. With the end of apartheid (in 1993), Africans rose to power and this has led to the introduction of legislation that supports African women. Yet to date, civil law is often ineffective in replacing the prevailing customary laws, particularly in rural areas.

In South Africa women now have the same rights and access to property as do men, but numerous examples of discrimination are evident. Meer (1997) highlighted the fact that the situation varies, depending on the region and the influence of tradition, but overall women's access to land is very limited. Under the customary system, only men can exercise land ownership rights; women have access to land only through their husbands, while single women are excluded because land is nearly always reserved for couples (Matere-Lieb, 1995).

Women in urban areas have greater access to property apart from land than do their counterparts in rural communities. Since 1993 South African women have been entitled to the same legal ownership rights as men, and the law guarantees them equality in the purchase, sale and management of property (Charlton, 2004). Previously, they had to obtain permission from their husbands to enter into contracts. In rural areas, husbands still continue to make decisions about buying or selling property, while in the informal settlements the criteria used to deliver houses and land have automatically marginalised women (Chenwi, 2006).

2.3 Women's marginal position

Even though the South African constitution approved the CEDAW convention, women living in informal settlements are still not reaping the benefits from these changes, as they are caught in a web of poverty and patriarchy (CIDA, 2001). This portrays women as a marginalised group of people. This study therefore, views women from this perspective of marginalisation.

Mjoli-Mncube (1995) stated that women in South Africa were marginalised through several laws in the past which specifically prohibited women's effective participation in any economic activities. Those laws included the Matrimonial Property Act of 1984, which together with its amendments, restricted women's access to property. Most of the customary laws in South Africa which marginalise women have not yet been repealed.

Traditional laws and civil laws often seem to go in different directions. The contradiction of these laws poses serious problems for women who are still considered to be minors in rural areas. Central to these customary laws is the location of males within the household structure as the head of the household, all other actors being subordinate to his rule (Mjoli-Mncube, 1995).

UN (2004) stated that patriarchal traditions that require women to submit to men, who are the heads of families, are deeply rooted in South African society in both urban and rural areas. Even in educated households, the practice of husbands paying a *lobola* reinforces the inferior status of women; they are seen as the property of their husbands and their husbands' families (Mapetla, 1999). In South Africa traditional, civil and religious marriages are recognised but some of these forms of marriage have implications contrary to the constitution and continue to deny women access to land and housing.

2.4 Gender and access to land

UN-HABITAT (2005) maintained that the term "gender equality" or "women's equal rights" recognises that all human beings, both men and women are able to make choices without the

limitations set by stereotypical rigid gender roles and prejudices. This implies that the divergent needs and expectations of women and men need to be considered and equally met. However, the concept of gender equality has faced some resistance from states that oppose sameness between men and women, and see it as a threat to their traditional or religious social and family structures.

Without gender awareness officials on bodies dealing with land allocation, inheritance and dispute settlements, manifest a male bias that continues to stand in the way of women's enjoyment of their rights. Moreover, laws and policies, even when recognizing women's equal rights to land and property, are still very difficult to implement. Regulations and guidelines for the implementation of such laws and policies are often very technical and in many cases have not yet been rewritten from a gender perspective (Mapetla, 2005).

Among men and women alike, there still is a lack of gender and human rights awareness, of the serious repercussions that the denial of women's rights continues to have, and of the possible strategies towards the actual implementation of these rights on the ground. This perpetuates women's ineligibility to access land and housing. In addition, many women do not have the necessary information, confidence, experience and resources to obtain that to which they are legally entitled (Wanyeki, 2000).

Gender equality is informed by the South African constitution and the guiding principles of Justice Vision 2000, in affirming the diversity and equal worth of all people, rather than emphasising their dissimilarities (Mapetla, 2003). CIDA (2001) defines gender equality as a situation where all human beings are free to develop their personal abilities to make choices without the limitations set by restricted relationships and the traditional roles prescribed by society.

Women, men, and children have quite different needs and perceptions regarding housing and human settlements. These issues all impact on the development initiatives taken in developing communities. To understand gender, the activities of women and men need to be addressed in

terms of the reproductive, productive and social/community roles women play, as well as the roles played economically and socially by men (UN HABITAT, 2005).

Kalabamu, (2005) observed that gender power relations are complicated processes and should be looked at from institutional, cultural and biological perspectives. For him, gender contracts are usually invisible relationships between men and women and are reflected at different levels, such as institutional, cultural and interpersonal levels. For example, if governments put affirmative action policies in place and promote the elevation of women's economic status at institutional level, there is likely to be a new social order within the community.

In some African societies where change is being experienced including South Africa, elements of gender contracts contradict each other, and the State decides and assigns entitlements to men and women. The State determines who gets what, through rules and regulations that are usually formalised and codified. The State mediates relationships, not only between individuals and civil society, but also within the family, and between men, children, and women (Combrinck, 2009).

This has critical implications for the way gender inequality is built into and maintained in the family. The State can either liberate or control the lives of women through various social, economic, political and legal policies. Marriage laws and legal provisions regarding women's rights to property are examples of this (Moser 1998).

Manyire, (2002), suggested different levels into which individuals are reacting. At the interpersonal level, individuals tend to relate to fellow individuals on the basis of their socialisation and interaction, and also to respond to what they see happening around them. At this level, class structures, family relations, and age operate and contribute to the shaping of different elements of the gender contract. Cultures, norms, and ideologies at personal and community levels account for unequal gender relations in getting access to resources.

For example, patriarchal cultural norms have tended to favour men rather than women. Women have always been subjected to inferior positions in terms of their roles, distribution of resources

and decision-making powers. Traditionally, men were regarded as breadwinners and decision-makers, while women were regarded as housekeepers. Tradition set the pattern that underlies gender discrimination in society, such as men predominating in higher positions while women disproportionately placed in the lower positions and viewed as minors even in matters which directly affect them. Men are involved in decisions on public matters, such as housing, land, water and sanitation, hygiene, education and the protection of the environment, which all impact directly on women also (Mapetla, 2005).

Cultural and socio-economic hindrances to women's access to land include illiteracy and poverty. The level of education is low in rural areas and is also decreasing in urban areas. It is lower still for girls and women. Moreover, the modern land tenure system has enacted titles to land as the major means of acquiring land in both rural and urban areas, thus limiting women's access to land.

Cultural and socio-economic issues are coupled with institutional hindrances. These include the silence on some matters or the gaps in law on important factors relating to women's land status. Positive law has deficiencies relating to women's succession rights in relation to those of men. Women also fear the male-dominated justice system (Wanyeki, 2000). Sometimes women are incapable of defending themselves or their rights in court. Few of them choose a legal solution because they lack confidence in the justice system, as a result of its possible corruption (Wanyeki, 2000).

Finally, some women fear the victimisation that they are likely to be subjected to in their families or communities following any legal action. They therefore adopt attitudes of compromise in family matters, and resignation in the work environment. Many women are marginalised to benefit men, who remain the decision-makers, even over decisions directly concerning women. Customarily and traditionally, men manage land. Women come to the fore only exceptionally, depending not on custom or tradition, but on individual families who try to be reasonable in granting possessions to their sisters and daughters (Wanyeki, 2000).

2.7 Related studies

There is much literature that has been devoted to the issue of fast-growing informal settlements, women's access to land and housing, as well as to land reform in post-1994 South Africa. As proposed for this study, the Department of Housing (2006), UN-Habitat (2005), Copenhagen +5 political declarations (2000), Wanyeki (2000), Combrinck (2009) and Walker (2005) have all observed the importance of the issue of gender in access to land and housing.

Combrinck's (2009) study was based on Cape Town in 2006, and examined the nature and extent of State duties to promote the realisation of the right to have access to adequate housing of women who are victims of gender-based violence, with specific reference to domestic violence. The study highlighted the fact that although the constitution and many conventions had approved women's rights to housing, in practice these issues were still lagging far behind. The findings revealed that large numbers of women were still suffering from severe domestic violence, while others are being evicted from their homes due to domestic violence. However, the law seldom takes their eviction seriously.

The DoH (2006) has highlighted reasons why most women in post-apartheid South Africa are living in slums and squatter camps. Walker (2005) paid special attention to the issue of women, gender and policies, and gathered information around women's land rights. She focused on the gender policy of the Department of Land Affairs in Kwazulu-Natal. The focus was on constitutional negotiations around gender equality and cultural rights between 1993 and 1996. The challenge then was how to manage the intersection around women's rights and customary rights in practice, in such a way that the foundations established were not undermined.

Huchzermeyer (2004) also observed that the land redistribution programme in South Africa aimed to redress exclusion and discrimination, but has ended up perpetuating class-based spatial exclusion. The study was based in Cape Town. It focused mainly on the BNG development programme.

This study highlighted the fact that the new Informal Settlement Upgrading Programme resulted from prioritizing poverty eradication. Although the policy formulation process afforded no space for public consultation, the programme that emerged made many advances towards achieving the reduction of poverty. She concluded that the programme will need a close monitoring and evaluation, as the implementation was a mismatch with the structural framework.

Robin, Brian, and Kingston (2007), the World Bank (2007), and Huchzermeyer, and Karam (2006) have all observed the quality and standard of life in the informal settlements. Their studies highlighted the different problems encountered by the people living in the informal settlements, but they did not specifically focus on women and how those problems had impacted on their lives. For example, the quantitative study conducted by Smit (2006) was undertaken within six areas in which the Development Action Group (DAG) had worked. The focus was on the layout of the settlements and the incomes.

The findings of the study revealed the pull and the push factors of the informal settlements and the constraints which led to a number of respondents being declared ineligible to access housing subsidies.

The World Bank (2007) highlighted the fact that poor people prefer to live in mixed-use settlements, like villages where they can establish modest houses and benefit from having relatively close access to urban work opportunities, as well as venturing into farming and small business activities. The reasons behind their preferences were found to be affordability and lifestyle.

Napier (2006) focused on the African continent and its various and diverse forms of informal settlements. He traced a number of characteristic trends in the experiences of informal settlements as regards their formation and suggested upgrading which differentiates particular regions from others. The study aimed to provide information about socio-economic conditions, types and the quantity of informal settlements, the types of disasters and other environmental hazards which predominate.

The study highlighted the fact that the growing informal settlements could be linked to a series of factors which include the transition from colonialism, increasing urban poverty, the impacts of structural adjustment and neo-liberal programmes, as well as the lack of any appropriate responses by government to address issues like land, which under customary tenure is controlled by traditional leaders in many countries. It also looked at the disjuncture between customary laws and civil laws on the issues surrounding property possession.

Mapetla (1999) focused on urbanisation, planning, housing and everyday life in two urban areas in Lesotho. The study was titled “Gender Access to land and housing in Lesotho”. This study reveals that the legal, structural and financial constraints result in inequality between women and men, and between women of different marital status in accessing property in Lesotho. She maintains that the Lesotho government still maintains the dominant gender contract based on customary laws. Consequently, women migrated to the urban areas where they could rent houses (*malaene*) or join the informal settlements.

Other studies have revealed that the land reform programme in South Africa post-1994 was based on market-oriented considerations to pursue the neo-liberal strategies or international agendas (see Huchzermeyer 2004; GDN, 2003 and Knight 2004).

The above studies assisted in building on the themes that constitute this study, and shaping the ideas and the perspectives that arose from this study. The studies assisted in making informative references to what was happening in some parts of the country on issues pertaining to access to housing and land; and these issues have also provided a better direction for this study.

2.8 Conclusion

The literature has demonstrated that informal settlements in South Africa are very complex and diverse in a variety of ways, such as their physical forms, the nature of their poverty, their vulnerability and the social problems within each settlement and the rural linkage. An added

complication is that a number of women are not able to get access to land or formal housing due to gender dynamics and some traditional laws which have restricted women from getting access to land. This has left them with no alternative but to remain in informal settlements as illegal residents or squatters.

Social dynamics stemming from culture, religion, and male-dominated institutional laws, seemed to have shaped the population within these settlements. Lack of access to land and formal housing have driven large numbers of women to become victims of domestic violence, HIV/AIDS, poor health, false development agencies, and other poverty-related dangers.

University Of Cape Town

CHAPTER 3

3.1 Methodology

This chapter focuses on the methodological aspects of the study. The chapter describes the research process. This deals with the research plan and design, the target population, the sampling procedure, the selection of the study area, instruments for data collection, data management and finally, the analysis of the data. The challenges encountered during the study that could have compromised the validity of the study are discussed in this chapter as well as the selection of the selected research design.

3.1.1 The purpose of the study and the participants

The purpose of this study was to explore the constraints which inhibit women, within the informal settlements, from accessing land and formal housing. The main research question was: “What are the constraints that inhibit women in the informal settlements from getting access to land and formal housing?” This question was investigated by means of interviews and participant observation.

The main participants in this study were women living in the informal settlements in Ficksburg, because women form a larger population of informal settlements and are discriminated against by some laws and certain commercial institutions. They are prevented from owning land and housing. The Political Declaration (2006) stated that while equality between women and men is widely accepted as essential for social development, its implementation in South Africa is still lagging behind.

Another reason for selecting women participants was to better my own understanding of the problems encountered by women within my own community on the issues of women’s access to land and housing.

To get information on how plots and houses were granted to the people within informal settlements, as well as the problems encountered within these informal settlements, I included a participant from the Department of Housing at Setsoto municipality. The senior manager in the department of housing provided information on the strategies employed by the department to deliver houses, land and the legal strategies needed to qualify for land and housing.

This person was selected because he had a lot of information that is relevant to this study on the government and municipality's procedures in dealing with the housing delivery. He was selected because of his long service and experience within the department.

3.1.2 Study area

The study area was Ficksburg in the Free State province of South Africa. Ficksburg is one of the busiest and most important towns in the Eastern Free State region within the boundaries of Thabo Mofutsanyane District. Ficksburg falls under the Setsoto Municipality and it occupies a total area of 5 948.35 square kilometres. The Setsoto Municipality is divided into four areas that comprise: Clocolan, Senekal, Marquard, with Ficksburg as the head office.

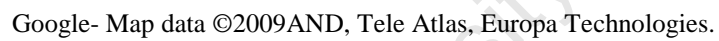
Below is the Ficksburg area on a map of the Free State.

Figure 1: Map of Free State showing location of Ficksburg



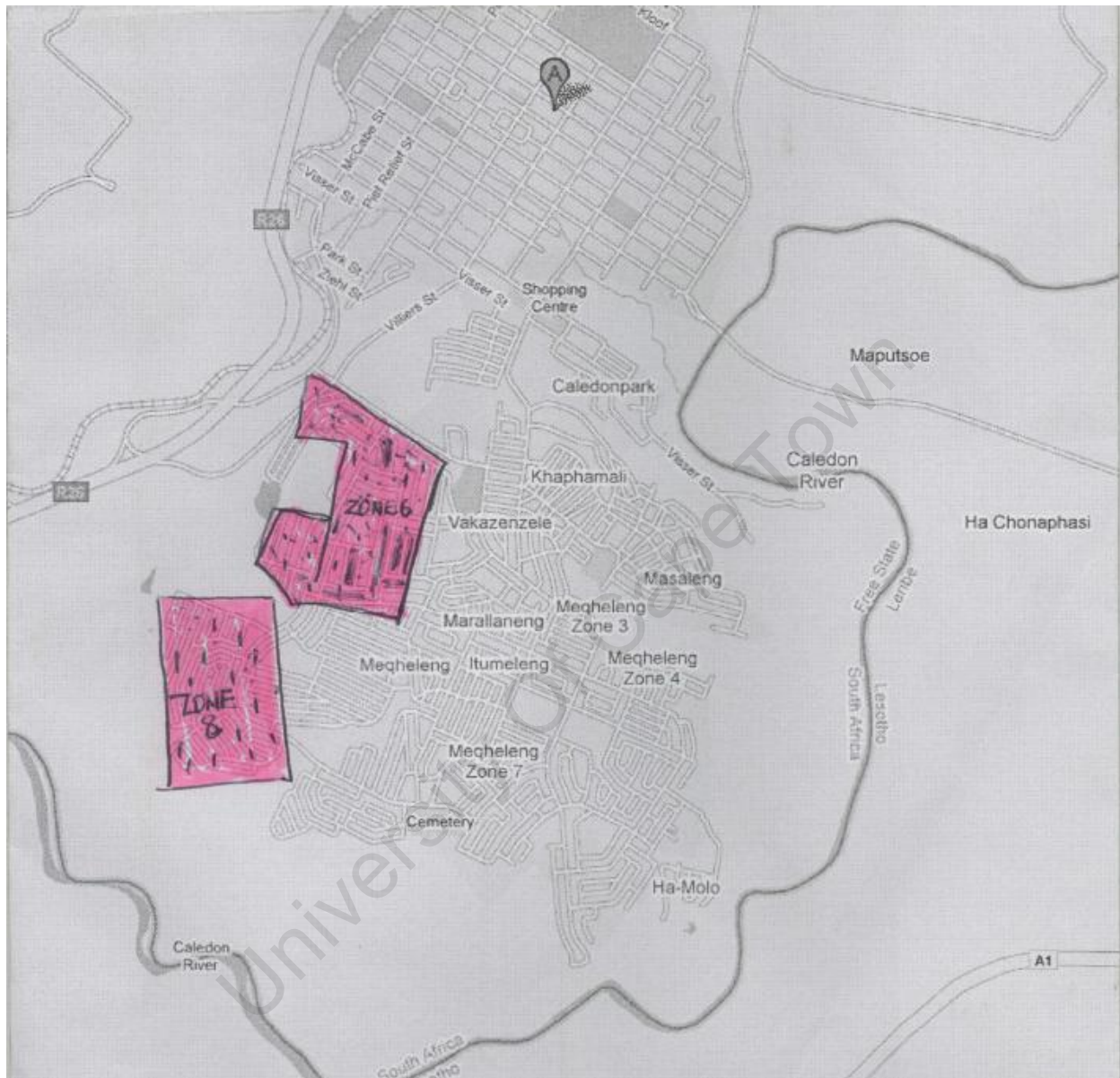
Google- Map data ©2009AND, Tele Atlas, Europa Technologies.

Figure 2: Setsoto Municipality Areas



The following map depicts the study areas in Ficksburg: Zone 6 and Zone 8

Figure 3: Location of Study Area in Ficksburg



Google- Map data ©2009AND, Tele Atlas, Europa Technologies.

The population of Ficksburg is 125 751 persons, with 60 percent of the population living in its urban area and 40 percent in the surrounding rural areas. Unemployment rate in this area is 23.11 percent (SSA, 2006). Ficksburg is situated very close to Lesotho. It attracts a large numbers of Lesotho migrants. In a number of cases people walk from Lesotho to Ficksburg on a daily basis,

even without passports, as they can just cross the river to get there. The criminals within this place sometimes hide in Lesotho when they have committed a crime in South Africa.

The criminals in the informal settlements have strong connections with the Lesotho gangs living in villages close to the border. Women from Lesotho migrated to Ficksburg in search of land, housing and a better life after 1994. There is also a considerable amount of intermarriage between Ficksburg men and women from Lesotho and vice versa. The area is dominated by Sesotho, Afrikaans, as well as English speakers with small proportions of speakers of other languages. There are also a small number of migrants from Zimbabwe in this area. The fact that I could speak the language of the dominant group within these settlements and share their culture made it easier for me to obtain data. It was also an advantage to study these people, as I know some of the challenges they have encountered when it comes to the issues of land and housing. I also have personal knowledge of the daily events and their experiences as a member of the community.

Ficksburg, as one of the small growing towns in South Africa, is characterised by a rapid growth of informal settlements, like many other towns in South Africa. This is another reason why it was selected as a research site, as the study was interested in studying informal settlements. Informal settlements in this place are different from other towns in South Africa. In many towns within the country, informal settlements are congested on a single piece of land. For example, in Khayelitsha in Cape Town, people are living in overcrowded areas within the informal settlement.

Plenty of open space within the informal settlements of Ficksburg allows people to venture into different activities like farming, and at the same time it attracts a number of homeless people seeking places to establish homes in the area. To avoid municipality waiting lists and technical procedures some people occupy the land without formal permission or any security of tenure while others build their shacks on the plots granted them by the municipality. Because of the space available, shack dwellers have enough space to establish their shacks and to incorporate their own rural lifestyle in their new urban life. There is enough land to grow some crops and

keep some livestock. Despite the land that is available, many women do not get access to plots and formal housing easily. Some of them occupy land illegally or squat with friends, while others live under severe domestic violence or male harassment within the settlements in order to keep a roof over their heads.

Another interesting feature of Ficksburg is that large numbers of people who were formerly living on farms find the place more convenient for their livelihood, as they can engage both in business and rural life subsequent to their eviction from the farms. People in these settlements were legally located, although they do not have access to formal housing due to the housing backlog within the country.

Ficksburg was selected because informal settlements are growing rapidly, and there is a serious lack of formal housing within this area. This is partly attributed to the influx of migrants from Lesotho who can easily cross the border to Ficksburg and women migrants from Ficksburg's rural areas, desperate homeless women who have separated with their husbands or who are unmarried, as well as people who were evicted by farmers from their farms after 1994.

The study was conducted in two different informal settlements within the area. Zone six, situated close to the Mohokare River, is the boundary between Lesotho and South Africa, while Zone 8 is across the main road between Ficksburg and Clocolan. These two sites were the areas where new people within the informal settlements were granted plots.

3.2 Research design

The study is based on a qualitative research design. A combination of elements of ethnographic research and qualitative survey were found to be the best design for the purposes of this study. The study used mainly interviewing techniques and participant observation for data collection. The design was selected because through it I was able to study human action in its natural setting by getting into contact with the actors, placing the emphasis on detailed description and understanding the phenomena within their appropriate context (Babbie and Mouton 2001).

Moreover, through this design, I was able to get contact with the respondents and allow them to give me a full and detailed description of their lived experiences.

This helped me to observe their emotions and their feelings during the research process, and to better understand the phenomena. Qualitative research was found to be appropriate as the qualitative methods were used to uncover and understand more facts about accessing land and housing by women in some parts of the country. It was found to be helpful in revealing life in these particular informal settlements in Ficksburg.

My ability to speak the respondents' language enabled me to obtain a rich supply of data because of my knowledge of the language and culture of the respondents. As well as belonging to the same community as the respondents, I was familiar with some of the respondents' experiences and this made it easy for me to probe for more information on certain points. The respondents felt free to express their emotions and to talk freely with another woman who could understand their situation.

Large numbers of the respondents were my own age and this made it easy for them to express themselves fully, although even the old were eager to share their life experiences with me.

3.3 Sampling

Non-probability sampling was selected as the method of sampling. This selection was made mainly because I knew the place and the people whom I wanted to study. Non-probability sampling was also the best method to employ for the purpose of this study because I did not know the whole population of the women in Ficksburg's informal settlements. It would be difficult to do a random selection or to rely upon the rationale of probability sample because the population is not enumerated or all their names and addresses available.

There are different types of non-probability sampling. For the purpose of this study, purposive sampling was employed. Purposive sampling was appropriate for the following reasons. I knew the people whom I wanted to interview and I used this method to select them. Firstly, I used it to

select unique cases that were informative. For example, women who have some experience of actually living in an informal settlement.

Secondly, it was used to select women with varying marital statuses, and occupying different types of houses in the informal settlements. I started by identifying the categories of housing in the informal settlements where the study would be undertaken. I then identified those women who would represent the different housing categories and the different marital status categories of women in the settlements. Finally, 35 women were identified from different categories of housing, that is, women living in self-built houses, women living in shacks legally, women living in shacks illegally, and women living in RDP houses and having different categories of marital status.

The senior manager at the Department of Housing was also selected purposefully to provide information from the municipality's side on how the land and housing had been granted to the people. He was also important because he was able to highlight some of the important issues about the strategies employed at the local level of government.

The director of the department referred me to this senior manager, as he was believed and trusted to have valuable information on housing and had been working in the department for a long period of time.

The sample selection process was initially tedious and time consuming. Because of the different categories outlined, I had to make sure that all categories of women were at least minimally represented in my sample. This included widows, separated women, single women, and married women. In this way it was possible to embrace all the major categories of women within my study population. This coverage was necessary because each category of women encounters different housing problems.

To make good use of the life-history approach and embrace all the categories of women in my study, the biographical categories of the respondents were identified by defining their age, status,

education and the occupation of the respondents interviewed. It made the work easier for me to compare the status of a group of people of the same age, belonging to the same social structure and having similar lifestyles. Then I compared their life stories in their attempts to get access to land and houses.

The social network was examined among the women within the informal settlement. I started by identifying a few households headed by women within the settlement and then asked them to mention their fellow women neighbours who had similar problems. They started by pointing out each other, especially those with special cases, such as those whose applications had been approved, and who had received building material, but where the material received had started getting rusty in their courtyards. This included the people who were illegally living within the settlements.

3.4 Sample description

Interviews were conducted with 15 women dwelling in shacks and legally located in those settlements, 10 women dwelling in Masak'hane/RDP houses, 5 women living in shacks in the informal settlements, but illegally located, and 5 women living in the informal settlements in self-built houses. Out of 35 women interviewed, 16 were single, 4 were widows, 3 were separated, 6 were divorced and the other 6 were married. The last interview was conducted with the senior officer at the Ficksburg Department of Housing.

3.4.1 Access to the field

In order to get access to the field I produced my student card and a letter from the department of Sociology at UCT which introduced me to the participants. The letter described the purpose of the study. It was easy to get cooperation in the informal settlements because the issue of formal housing is one of the most critical issues in the new democratic South Africa. People were eager to be interviewed.

They were eager to share their lived experiences with me except a few who had illegally settled within the settlement and were suspicious of sharing their experiences and did not want to reveal that they were illegally dwelling in the settlement. They thought that I might report them. The interviews were conducted at places of the respondents' preference, which were almost invariably their homes.

It was not easy for me to get access to the senior manager in the department of housing; neither was it easy to access information at the housing offices. I had to follow a tedious procedure and produce the letter of recommendation from the University beforehand. It took me about three weeks of waiting for approval for the interviews from the department of housing.

In all the interviews, the appointments were made with the respondents in advance, where I introduced myself, the topic and the purpose of the study to the participants and gave them options to take part in the study. Dates were decided after the respondents had agreed to participate. The interviews were very successful and were conducted at times suitable for the respondents.

3.4.2 Interviews

The in-depth interviews lasted between one and one and a half hour. They were scheduled from 5 January – 2 February 2009. The interviews were conducted with the women who were willing and eager to share their lived experiences, perspectives and ideas with me, as well as with the senior officer from the department of housing in the Setsoto Municipality. Field notes on observations and thoughts regarding what was going on were written down daily during the visits. The respondents were categorized into groups within two identified settlements. There were those staying in shacks, but legally in the settlements; those staying in RDP/Masak'hane houses; those illegally staying in the informal settlements; and those staying in their self-built houses in the informal settlements.

Primary and secondary sources were used for data collection. For primary sources, the interview method was used; the specific type used was face-to-face interviews with semi-structured questions, to direct the researcher's discussion, while observation was used to equip me with more information for the study. The tools which were used to capture information were a tape recorder and a field notebook. I also took some photographs to illustrate the types of dwellings and problems in the settlements.

The interview with the senior manager was conducted in English, but he was given a choice to use his own home language (Sesotho), when he felt like explaining or elaborating on various points. This did not cause any inconvenience as I know both languages. The interviews with the women respondents were all conducted in Sesotho.

The interviews generated evidence in the form of first-person accounts of lived experiences of the women living in the informal settlements. An interview guide which covered broad topics was used in a conversational style with selected women in the informal settlements. The topics included household structures, former residential areas, how they had settled into the settlement, sources of income, the number of dependants, and the initiatives taken to apply for government housing.

Each interview was preceded by confirmation from the respondents that they were willing to participate and allow the use of a tape recorder during interviewing. It was understood that the research was part of my training. They were also given assurance about the confidentiality and anonymity in the report and were assured that they were free to withdraw whenever they felt that they did not want to continue with their participation. None of the respondents withdrew during the interviews.

The interview schedule involved direct questions about the challenges the women are facing in getting access to land and housing and how these challenges have impacted on them. A few examples of the direct questions asked were as follows: What has prompted you to come and stay in the informal settlement? How long have you been staying here? Have you ever applied

for a government house? What has happened to your application? How does a person qualify for government housing? Follow-up questions and further probes were also used during the interviews.

For the purpose of this study the semi-structure interview schedule was preferred over a self-administered questionnaire. This technique gave me a chance to come into contact with the respondents and also to cover areas which needed some introspection in the responses rather than simple yes/no responses. It also enabled me to probe for more information where necessary and encouraged more and fuller responses from the respondents.

This method was employed to capture the feelings, attitudes and perceptions. I was aware that some people criticise face-to-face interviews because they say this is just another way of betraying people, by arbitrarily interjecting personal opinions, being sloppy about data collection, or using evidence selectively to support personal prejudices. However, in this study I tried to remain neutral, retained my own opinions and controlled my emotions by not giving the respondents my personal viewpoint. I even avoided the tendency of showing sympathy and of being supportive of the respondents' emotions and views. I allowed the respondents to judge their own situations.

For secondary material, readings from libraries, files from the internet, and newspapers, were all reviewed. An extensive literature review of research reports, books and other documents, such as journals, workshop/conference papers and newspapers was undertaken. Government policy papers and Acts of parliament formed a part of the secondary information sources. The emphasis was put on the literature that related to the research question. This provided a context and reference for the primary data that were obtained from the research project itself.

3.5 Analytical framework

A feminist research perspective was employed to deal with women in the informal settlements. This perspective had been chosen as a conceptual framework for the study. Cook and Fanon (1991) made it clear that feminist research does not necessarily involve research about women,

but it is research for women: to be used in transforming their sexist society. Feminist research was found to be more relevant, as it helped to reveal women's status and the way in which women are perceived within these societies. This helped me to understand the situation of women within such communities.

I was aware that patriarchal gender relations and sources of radical insight are influences in feminist research and that feminist research comprises different approaches. For the purpose of this study Radical Feminism has been selected as the preferred approach. Thompson (2002) defines Radical feminism as a philosophy emphasizing the patriarchal roots of inequality between men and women, more specifically, the social dominance of women by men. I have found this approach to be most appropriate in revealing women's status in a patriarchal society.

Radical Feminism views patriarchy as dividing rights, privileges and power primarily on the basis of gender, and as a result oppressing women and privileging men. Radical Feminism opposes existing political and social organisations in general because these are inherently tied to patriarchy. The approach revealed that women's constraints in accessing land and decent housing are largely attributed to a gender ideology implanted by patriarchal society. It assisted me to understand better the prevailing inequality between men and women's access to vital resources.

This approach highlighted the understanding that some of women's behaviours are still attached and determined by their customs and traditions, and that laws which discriminate against women are still active even in the modern world.

The feminist research in this study provided a guide in reviewing how women's roles are constructed within society, and also how the relations in a historical perspective have helped in explaining the changes taking place in people's behaviours and society at large. It helped to uncover the challenges women faced within the society and to obtain valuable insights into their male counterparts.

Feminist research relies heavily on the gender concept as an important and useful analytical category to unpack the assumptions and generalisations embedded within it. The gender factor is considered to be the major variable in this study, as the study is focused on women. The practical and strategic gender needs of women were employed to analyse the situation of women.

3.6 Data analysis

The data were analysed using thematic and content analysis. The goal of the analysis was to understand the actual experiences of the respondents and from them to draw meanings and interpretations. The idea was to describe respondents' experiences in detail and identify the similarities and the differences from their stories and to relate the findings to the documents in order to find the truth which lies behind the phenomena.

Descriptive analysis was also employed to explore the deep meaning of what is rooted within certain facts. This was used to gain understanding and describe the various dynamics existing within the communities. It was also employed to describe lifestyles, positions, challenges and the lived experiences of the poor women in the informal settlements in the new democratic South Africa.

The transcripts were read closely and repeatedly, enabling me to familiarise myself with the differing voices, as well as to initially identify any recurring themes. The data were entered into a computerised data analysis software programme called Nvivo. The software assisted in identifying the key words and issues relating to the main themes and sub-themes identified during the process.

Themes emerging from the data and other forms of categorisation were used to distinguish the various patterns from the data. The following is the strategy employed to generate the main themes. The words in bold are the main themes identified, together with the sub-themes in bold italics, as well as some of the issues identified from the data to build on the main themes in italics only.

Main Theme: Demographic background

Sub-themes: *Occupation and income, age of the participants, family characteristics, education of the participants*

Issues identified from the data: *The number of dependents, age of dependants, education level of dependants, members of the family, type of jobs, single parent, and female-headed households*

Main Theme: Process of informal settlements

Sub-themes: *Migrants from Lesotho and the rural areas, women evicted from the farms, women enduring domestic violence.*

Issues identified from the data: *Close to place of work, availability of services, customary law, evictions, homeless, unemployment, approval for RDP houses, conflicts, better life, and others.*

Main Theme: Establishing home in the informal settlement

Sub-themes: Legal shacks, illegal shacks, privately owned houses, RDP houses

Issues identified from the data: *Requirements for getting access, affordability, lack of finance, lack of identity documents, housing delivery delays, long waiting lists, homeless, housing backlog and more.*

Main Theme: Causes of informal settlements

Sub-themes: *Economic opportunities, social opportunities, political opportunities*

Issues identified from data: *Affordability, easy to access, closer to amenities, migration, economic crises, unemployment, struggle for income, networking, and others.*

Main Theme: Life in the informal settlements

Sub-themes: *Challenges in the informal settlements, access to land and housing*

Issues identified from data: *Crime, unemployment, diseases, poor service delivery, poverty, lack of amenities, requirements for RDP houses, and more.*

Main Theme: Women in the informal settlement

Sub-themes: *Women as active agents, work and strategies, impact of the housing backlog on women*

Issues identified from the data: *Breadwinners, household heads, unemployment, children's education, family support, affordability, informal sector activities, and others*

Main Theme: *Government initiatives to control the rapid growth of informal settlements*

Sub-themes: *RDP and housing, GEAR and housing, BNG strategies*

Issues identified from the data: *Lack of transparency, municipalities favourites, qualification for RDP houses, access to urban services, payment for services, economic growth, less hope for BNG, ineffectiveness of the policies, and more*

Main Theme: *Problems linked to informal settlements*

Sub-themes: *Economic problems, social and political problems, Setsoto municipality department of housing*

Issues identified from the data: *Crime, domestic violence, smuggling, vulnerability, harsh weather, unemployment, exclusion, evictions, illegal residents, and others.*

The themes identified were integrated to bring about a coherent pattern of what major experiences had occurred in the informal settlements and how they had occurred and were perceived by the respondents. This process of integrating the themes takes into account the contexts and the order of the events, as depicted in interviews which produced exhaustive descriptions of various aspects of the respondents' experiences. These were then organised at the chapter levels, in the form of sub-topics.

A thorough understanding of the context of informal settlements in South Africa and the literature around this issue assisted me in elucidating the experiences of the respondents. All the steps followed helped to produce an accurate, a clear research report, and an articulated description of such an experience. In the report the main themes became the main topics and the sub-themes under the main topic become the sub-topics. The issues, which were picked up from the data, are discussed under the different sub-topics.

3.7 Ethical appraisal

The participants were assured that identifying information would not be made available to anyone. The principle of anonymity that ensures that the participant remains anonymous throughout the study was explained to the participants. The researcher employed the principle of voluntary participation on arrival at the scene; this advocates that the participants were never be coerced into participating in the research project.

The participants were notified that the interview data would be used to produce this thesis that their identity would remain confidential and quotes would be anonymous. The purpose of the study was clearly explained to the participants with reference to similar studies which had been conducted before, regarding the delay in housing delivery within the country.

CHAPTER 4

4. Findings

This chapter presents the findings of the study. It is devoted to a presentation of the lived experiences of the respondents. The results are based on the respondents' stories and the literature is referred to whenever necessary, to emphasize, elaborate and discuss certain experiences and facts. This chapter will examine the different themes that became apparent and that formed the basis of the study during the data-gathering and analysis processes.

4.1 Demographic background

The ages of the people who were interviewed ranged between 18 and 84 years. The fact that young and old are still involved in the struggle for housing implies that the need for housing is felt by people of different ages in South Africa. Women who were interviewed were unmarried single parents; others were married, widowed, separated, or divorced women.

The number of participants' dependants ranged from 1-8 children, with ages ranging between 0 and 20 years. Their children's education ranged between grades 0 to 12, and at a tertiary level. Respondents indicated that they had dependants. The group of female household heads who were respondents included widowed, divorced, separated and those who were cohabiting. The married people were mostly living in self-built houses within the settlements and some had steady marriage relationships. Their houses or plots were either registered jointly or under husbands' names.

There were women who had steady marriages in the settlements, while others made up the female-headed households or unsteady marriage relationships. The findings revealed that some of those who were cohabiting did not own their houses, but owned by their boyfriends.

4.1.1 Occupation and income

Studies on the informal economy of shack settlements like that of Huchzermeyer and Karam (2006) have revealed that few enterprises exhibit the characteristics of long-term growth. In this study, respondents were involved in informal sector economic activities.

The findings show that residents involved in informal sector labour earn minimal wages. The income earned by respondents ranged between 0-3000 Rand per month. It became apparent that people who earn higher and middle incomes were living in self-built houses, while those who earned lower incomes, or nothing, lived in shacks, and some were living in RDP/Masak'hane houses.

The findings revealed that some of the participants were not working at all and depended on gifts from neighbours, while others earn as little as 250 Rand per month.

Some of the women within these settlements obtain financial support from their boyfriends and child grants. Others were receiving support from their husbands. Women who were struggling with life were likely to have many children within these settlements and hence had a heavy load of responsibility. Some of them were involved in abusive relationships or tolerate them in order to secure accommodation, or money for survival.

4.1.2 Age of the participants

Nkau, (2003); Adepoju, (1998) suggest that the events and types of behaviour which commonly precipitate rural-urban migration or migration in general are typical of younger adults, and the rate of movement is higher amongst women in their twenties and thirties. This is possibly due to the fact that young people are less likely to be tied down by family responsibilities and have the opportunity to find places to establish their own homes.

However, in this study, the ages of the women interviewed ranged between 18 and 84 years. This suggests that, even those who were 60 years and older were recent migrants. They stated that they came from farms or from Lesotho. They had not been able to come to Ficksburg to establish homes before 1994, due to apartheid restrictions. Some of the old-aged people indicated that they were evicted from Ficksburg farms and had no accommodation, while others stated that they were not able to build themselves houses in Ficksburg's rural areas and in Lesotho. They had come for RDP houses, as they had heard that there was an opportunity for them to get houses in the settlements.

Given the various reasons for living in such informal settlements, the study revealed that the prominent reasons are: looking for a better life, searching for a job and looking for adequate housing. One of the participants, a young single mother living in a shack said: *"There were no jobs in the rural areas and I came here to look for a job to support my children."*

The above reasoning seemed to have been the predominant reason for the respondents to stay in the informal settlement. The study revealed that young people came to the settlements in search of a better life, jobs, out of curiosity, to escape overcrowding in their former households, or escape domestic violence from both Ficksburg rural areas and Lesotho. Old people came to the settlements to be closer to amenities, to look for adequate houses, due to evictions from the farms by their bosses or from their families due to domestic violence and homelessness because some of them were evicted from their homes.

A woman living in a shack stated:

You know... there is lack and sometimes no service delivery in the rural areas. Education in those areas is very poor, our children had to travel a long distance for schools and you may find that there are not enough facilities for learners in those schools. We were obliged to come here for services like post office, shopping and transports, as we had no transport at all. I then decided to come and stay here closer to the services and better education for my children; I did not want them to suffer like me.

Respondents fell between 20 and 45 years old. This group of people was very active, energetic, and carried a lot of responsibility. This was one of the reasons that they migrated to Ficksburg in search of employment and a better life.

4.1.3 Family characteristics

Participants were part of diverse family structures, including nuclear and extended families, single-parent and female-headed households, and households headed by widows or divorced women. Women who took part in this study were female household heads. The respondents comprised 16 single parents, four widows, six separated women, three divorced and six women with husbands.

Unmarried women formed a large part of this study. This category of women had more dependants than any other category of women. They did not have any source of income. They were either involved in informal sector activities or were dependent on their boyfriends' financial support and government grants and some did not qualify for government grants. Some of them use their children's grants to fulfill their own needs.

The separated women's category had more dependants, but not as many as the unmarried women. From experience, the reason behind this difference might be that young women are likely to have more children in order to access more government grants for the children. Other women use their own efforts to support their children, and this is not that easy.

Some women received support from their children's father, while others were struggling to make a livelihood, and involved in informal sector activities, and a few were working at factories.

The category of widows was dominated by a group of old women. Some were staying in RDP houses with their grandchildren or children, and others were staying in shacks by themselves. The reason for staying alone in shacks is that their children do not want to give grandchildren to their parents living in shacks, as numbers of them indicated that their children complained about the safety of grandchildren. Interestingly, once they get RDP houses, their children come and stay with them in these RDP houses.

Cohabiting women and some married women, especially those who did not have any formal work, dwelt in shacks. Frequently, these women had many dependants. This group of women was experiencing domestic violence. They stated that they experienced a lot of fighting, conflict, and harassment within these types of family. Others in this group stated that they were living quite a peaceful life, though they seemed to be in conflict with their husbands because of unemployment and poverty.

Married women who were living in self-built houses showed quite a vibrant feature. They had few dependants and had a reliable means of making a livelihood. They had permanent work. In other families, both the husband and the wife had formal jobs. Some of the women in this category had steady marriage relationships.

Although child-bearing patterns were not one of the main focus areas, the personal information collected included a question about the number of children respondents had and their educational levels. Some participants left their children in the rural areas with their grandparents or relatives, because there was not enough space for them, other participants had brought their children into the informal settlements.

The number of children the respondents had ranged between 1 to 8 children, enrolled in primary or high school, and at a tertiary institution. The findings revealed the current education enrolment of respondents' children ranged from crèches to tertiary level, with their ages ranging between 0-19 years old.

The children from better-off families were not attending school within the settlements, but in towns in model-C schools. Children from the poorer families were attending schools in the surroundings and had dropped out before matriculation due to a lack of finance from the family or early pregnancy, and joining the gangs within the settlements.

Single female household heads within the informal settlements seemed to be struggling with life more than the married women. Despite the fact that female household heads were struggling with

life, they enjoyed the freedom of owning shacks and plots or a home in the informal settlements, which is not the case in the rural areas.

4.1.4 Education of participants

Although some governments, including the South African government, believe that schools should promote equal opportunity policies, when we focus on gender, schools often mirror the same gender injustices found in our African societies. Girls are frequently excluded by culture from being as well educated as boys (Wanyeki, 2000). As a result women do not get jobs which pay well in the formal sector due to their lack of education.

Low level of education among women was supported by the findings. Out of 35 women who were interviewed, 6 did not have education at all, and lived in shacks. This group of women was dominated by old women and few lived in RDP houses. Twenty participants had only a primary school education and one had grade 10.

The participants seemed to have not gained as much as they could from their formal education, as their education levels ranged between grades 0-10 only. The findings demonstrated that they could not be easily absorbed by the formal sector, but were more suited for the informal sector's activities and domestic work, which give them minimal wages. Lack of education put a number of women in a disadvantageous position and ineligible to afford the price of land and houses.

4.2 Process of informal settlements

Informal settlements vary greatly in size and location. In Ficksburg, the settlements have a range of locations, mostly on the urban periphery. The informal settlements in Ficksburg are located on the urban edge and are close to a nature reserve. Findings revealed that residents gathered wood from their locality for fuel and sometimes collected wild plants for consumption or sold them to people in town or within their area. This was true especially for those who are next to the main road from Ficksburg to Bloemfontein.



Photograph 1: Ficksburg informal settlement Zone 8 at the urban edge, close to a nature reserve (M. Kane, June, 2009)

Residents in Ficksburg informal settlements live near their places of work. They can walk to work, and make use of the nearby facilities. This study revealed that children living in these settlements attend schools in the settlements or nearby, and walk to and from the schools. There are graded open roads within these settlements, though they are not maintained after floods. There are sports fields, as well as a community hall. The people in these settlements indicated that they received healthcare from the facilities in the surrounding areas. Shopping facilities were also relatively close, and churches.

The residents in Ficksburg informal settlements were people who had been evicted from the farms, and some had come from overcrowded accommodation, women separated from their

husbands due to domestic violence or tolerated it to secure homes, while others were rural-urban migrants or migrants from Lesotho who were not able to access land to establish their houses in their former places.

4.2.1 Women who migrated from Lesotho and Ficksburg rural areas

The participants migrated from Lesotho to Ficksburg and others were still working in Lesotho and, commuting from Ficksburg to Lesotho every day by taxi. This is approximately a 45-minutes journey.

Ironically, foreign migrants like those who came from Lesotho had more advantages than the citizens. They have the bar-coded green identity cards, while the citizens do not all have them. They obtained these identity cards through different ways, like marrying South African men, through their relatives, or by corrupt means such as paying people who have connections with authorities to bribe the authority on their behalf, and some who have connections directly bribe authorities.

The following case is a typical one: An anonymous woman aged 28 originally from Lesotho was living in a shack legally with her 5 children and husband. She was married under customary law to her first husband in 1997. They had a two roomed house in the rural area of Lesotho. The house was built on her husband's family land. Her husband contributed to the building of that house financially while he was still working in South African mines at Welkom, before he was retrenched in 2000. She contributed to the building by directing, monitoring and providing labour where it was needed. She pointed out that although she was monitoring and directing the building project her husband was the sole owner of the land and the house, because according to Basotho customary law, men remain sole owners of family properties and women take care of their husbands' properties.

In 2001 she decided to separate from her husband as he was too aggressive. Always fighting and complaining about everything this woman was doing, and she had four children by then. She

stated that the eldest child remained with his father in Lesotho and she left with the other three to the urban area (*Maputsoe*) in search of a job and accommodation, and she got a job at the factory. She could not stay with her husband in the rural area any longer. Her husband was no longer working, and hence had no money to support the family, but only money for beer. She met with a new boyfriend who was living in Ficksburg at the factory.

She moved from (*Maputsoe*) with her three children to live in her new boyfriend's shack in a Ficksburg informal settlement in 2000. This man assisted her to obtain a South African identity document. He paid one of the people who had connections with the officials at the department of Home Affairs to progress the service. It had been easy for them to obtain children's identity documents. They contacted the same person who assisted them to obtain her identity document. She stated that they had applied for a RDP house several times but their applications were always unsuccessful. However, she was very positive that they will get a house at some stage.

She had never got direct access to land or housing in Lesotho, because in Lesotho single women and women married under customary law are not allowed access to land. The plot they had now is registered in his boyfriend's name. She also stated that she had been looking at all the possibilities to have access to land and housing, like applying for a plot in the informal settlement, but her applications were declined without clear reasons.

She had discovered that the easier way for women to get access to land or housing is through the market. However, her wage does not allow her to get access to land and houses on the market. She also pointed out that living in the informal settlement for her is far better than living in Lesotho where she was not able to get access to better services and job opportunities. Living within the informal settlements was regarded as a privilege to her. She stated that her children are able to go to school nearby and are exposed to urban life.

The above case revealed the divergent response in this study as the informal settlements are regarded as an opportunity. Women coming from Lesotho find life better and more flexible than their former life in Lesotho, where women are not able to access valuable possessions. These

women came from disadvantaged background, and found living in informal settlements far better than lives in their former place of residence. They also prefer the informal settlements because they are able to incorporate their own rural lifestyle with their new life in the urban area.

Some residents indicated that they had emigrated from Lesotho after obtaining identity documents post 1994 to join the informal settlements for a better life, to live in town, to attend better schools, or to benefit from grants for their children and pensions for old people. Other residents stated that they had migrated from Ficksburg's rural areas to live in the informal settlements because there were no services in their areas.

Some had migrated to the towns to look for jobs and accommodation. For example, there were unmarried women living in households which had more than 10 members. This was due to lack of money, and customary laws which restricted women from getting access to land (Mapetla, 2005).

Lesotho migrants found these settlements more convenient and flexible as they were able to get plots to establish homes closer to job opportunities, and access free government services. Despite that some of them have not yet qualified for plots or formal housing they were very optimistic that they will get them. However, women's access to land and housing still remains a problem because large numbers of women stated that plots or houses are owned by their boy-friends or husbands.

4.2.2 Women who were evicted from the farms

Participants revealed that they had come to settle in the informal settlements after they had been evicted from the farms they were living on. One of the residents was asked: "Where were you staying before you came here?"

She stated:

I was staying on the farm and we were living very well there, because our boss was providing us with groceries, food and gave us R400.00 per month and took us to town to

buy whatever we needed. It was very nice there, because we were not paying for electricity, water or food. After our eviction from the farms we had nowhere to go and we came here to find the space where we can have accommodation with our families... after some time my husband died and I was left with the children.

When she was asked why her boss had evicted them, she said: *“After 1994, our boss decided to sell his farm to another person. The person who bought the farm retrenched us... and therefore we had to leave the farm and come here to town to search for a job and a place of dwelling.”*

Huchzermeyer and Karam (2006) suggest that the most common cases of forced evictions from farms are commonly observed where a landowner has in the past authorized tenants to settle on his/her land and now wants to develop it or to sell it to a developer. He refuses to collect rents and asks the occupants to move out. This is exactly what some of the residents pointed out, that the farms were sold to other owners who decided to decrease the number of workers, and by so doing evicted them from the farms.

By so doing some of the workers were simply evicted from the farms and they decided to join the informal settlements, as there were no other places where they could establish their homes. One participant stated, *“After the 1994 elections, the owner of our farm decided to sell it to another person and that person retrenched us and we were left homeless; then we came here to seek accommodation...”*

The findings revealed that participants had come to Ficksburg informal settlements after they had been evicted from the farms. Ficksburg municipality organized land for them to have plots in those settlements. Other respondents were squatting at their friends' or relatives' places, or living on land without security of tenure. However, many women who do not qualify for the plots are still squatting.

The evictions from the farms were counted among the causes of the growth in the informal settlements, as the women were left with no alternative but to find places of accommodation in the informal settlements squatting or granting themselves plots illegally.

Some participants stated that they do not have enough income to qualify for a housing subsidy, or enough income to qualify for the housing schemes at all. Others revealed that they do not have green bar-coded South African Identity cards, and they are therefore not eligible to apply for plots or RDP houses.

These people stated that they were born on the farms and had grown up there. They did not know any other home than the farms. They came to the informal settlements after their eviction from the farms and some obtained the piece of land illegally, while others inherited or live at their relatives' plots and shacks or squat with friends and relatives.

The following case will demonstrate the struggle of young lady with no identity card living in someone's shack: An anonymous unmarried single lady aged 18 with three children living in her uncle's shack with her two brothers stated that she first came to Ficksburg's informal settlements in 2000, after the death of their father at the farm. This woman was not working and she depended on her neighbours' gifts. She and her brothers were born and grew up on the farm. Their mother died and was buried there in 1997. Their father used to tell them that he was born and grew up in Lesotho, but he never returned to Lesotho since working with his boss on the farm. This lady stated that they did not know any home other than their home at the farm. She only realised when they were being evicted after her father's death that it was not their permanent home.

They came to their uncle's family in Ficksburg because they had no accommodation. Their uncle was the only relative they knew. Their uncle left them in his shack and went to live and take care of his mother who was sick in a RDP house. She mentioned that her uncle's mother passed away and their uncle lived permanently in his mother's RDP house. Although they have accommodation, she indicated that they are not fully content. They fear that their uncle can chase them out at any time and decide to rent his shack, as he usually tells them that he needs money.

The father of her first born child promised her that he will marry her, and find their own place where they would live together. He disappeared from the scene after the birth of the child, and

the lady was left with the burden of raising the child alone. This lady reported that she could not apply for a RDP house or a plot because she and her brothers do not have identity documents and also are under age. She found the procedure to follow to get identity document very complex, and needing a lot of money which she does not have. Her children as well are not receiving government grants because they have no birth certificates.

She fell into the trap of making more children because men were supporting her with money to get food, they usually promised to provide her with shelter and money. This lady had only primary education and it is not easy for her to get a good job. She had tried domestic work but then she could not continue in such work because she was taking care of her children. At the time of interview she had a new baby born in 3 months, and she stated that she had nothing at all to support the family. The elder child was two years and the other was one and some couples of months old. The neighbours as well were referring to her situation as a person who desperately needs municipal assistance, but ignored.

The case demonstrates that some residents in the informal settlements are in insecure position. Sometimes they might find themselves at the risk of getting involved in abusive relationships and disagreements. It has been recognised from this point of view that women and children sometimes find themselves dependent on men for both housing and day-to-day needs, due to their lack of finance, or other valuable resources.

Moreover, it is not easy for any government to show consideration for people who do not have identity documents as citizens. Hence people who do not have identity documents are not entitled to any service in South Africa. Some can prove that they are South Africans, but they are not able to follow all the procedures to get identity documents due to ignorance, lack of knowledge or lack of money. Such people are deprived of government services because it is difficult to distinguish them from foreigners.

4.2.3 Women who escaped domestic violence or endure it in the informal settlements

Some of the participants stated that they had escaped domestic violence from their former places of residence, among them there were some who had tolerated it to secure their homes. Others escaped the overcrowding in their original homes in rural areas.

However, the common problem in the informal settlements is that there is no access to land and housing, more especially for women. Participants, who previously owned land or houses, owned them jointly with their boyfriends or husbands after separating with them this made them ineligible to be granted a plot or apply for a RDP house as they were recorded in the national data base as the spouses of primary beneficiaries of the previous grant. In this group of women some claimed that they had their names on the title deeds but they decided to leave their houses due to domestic violence and husband's harassment.

Following is the case of a woman who was involved in abusive relationships due to inaccessible housing: An anonymous woman living in a shack legally aged 43, had gone as far as grade 8. She said they had been living in Ficksburg informal settlements for 13 years. She came from the Free State rural area where she was married in customary law. She came to Ficksburg after her divorce. She is a mother of six children; two were left in the rural area with their father and four were living in the informal settlement with her. She came to the informal settlement with a hope of getting access to her own land. When she arrived here, she squatted with her friends in an overcrowded shack.

She stayed in this type of accommodation for three years, at the same time applying for a plot without success. She got involve in a relationship with a man, and they both decided to apply for a plot as a couple and their application was approved after applying three times. Her boyfriend had to pay a certain amount of money to some people who had connections with officials dealing with plot allocations to help progress their application. They did this because they did not want to remain on the waiting list for a long time.

Although they are living together on their jointly owned plot, her boyfriend is too violent, especially during the weekends when he is drunk. The boyfriend usually arrives home very late

and sometimes wakes up everyone when he arrives and insults or beats her in the presence of the children.

However, she cannot go anywhere, as she has no accommodation other than this one. This woman has tried to ask for protection from the police, but the protection seems to be temporary as the husband has full rights to the plot and remains the major owner of the plot. She cannot qualify to apply for another plot, because she has been granted this one. The only way she can get access to her own land is through the market which is not possible for her because land is very expensive and she cannot afford it.

In reality, for abused women the alternative of remaining in an abusive relationship is not an option, although the case above indicated that some women see it as an option. This may make them vulnerable to domestic violence, as well as increasing their risk of HIV/AIDS through their lack of power to negotiate safe sex in their relationships (Paglione, 2006). The above case clearly illustrates the fact that women remain in abusive relationships in order to fulfill their needs or obtain certain resources specially shelter.

Combrinck (2009) suggested that the decision of a battered woman to leave her abusive husband is therefore not a truly voluntary one; if the alternative includes the daily threat to one's life and the permanent cohabitation with a violent partner, whose violence intensifies beatings after beating, coupled with abusive words and other disturbances. Such a decision loses its discretionary aspect and clearly turns into a compulsory survival. In this way domestic violence, resulting in the victim leaving the home, or enduring it to secure a home is viewed as a form of forced eviction (Paglione, 2006). However, provision of homes for these groups of women has remained a challenge in Ficksburg.

Governmental rental units (houses and flats) are available to low income beneficiaries complying with criteria similar to those set for housing subsidies in Ficksburg. Applications must be submitted to local municipalities. One of the major difficulties facing women experiencing domestic violence here is the shortage of rental stock and the concomitant long waiting lists in

local municipality. The question of housing allocation based on the waiting lists is an emotive one that has also acquired political undertones in Ficksburg.

4.3 Establishing homes in the informal settlements

The respondents stated that they were allocated plots by the municipality, and others stated that they had started establishing homes on the vacant places, as they had no places for accommodation. However, the municipality used to demolish shacks established on unauthorized land. The municipality stated that the potential beneficiary must meet the following range of condition in order to qualify for state subsidised housing or land in the informal settlement.

- ❖ She must be married or habitually cohabiting or must have proven financial dependents.
- ❖ She must be a lawful resident in South Africa (have a physical address or permanent resident permit).
- ❖ She must be legally competent to contract (over 18 years of age, married or divorced and have sound mind)
- ❖ The gross monthly income of her household must not exceed R3 500 combined.
- ❖ Neither that person nor her spouse should have derived benefits from the housing subsidy scheme, or any other state funded or assisted housing subsidy scheme.
- ❖ She must be acquiring property for the first time.

Ficksburg informal settlements had different categories of households all mixed in the same area. The housing ranged from legal shacks, privately owned houses, RDP and Masak'hane houses to illegal shacks. Due to ineligibility to meet the criteria for a person to qualify for a plot or housing subsidy, some occupied land illegally. Others lived in shacks due to the housing backlog and financial limitations. Some lived in privately owned houses.

4.3.1 Women living in Shacks legally

Findings have revealed that the municipality negotiated land and gave small plots to the people who did not have places to live. These people were allowed to use any available materials to

build their own houses in the informal settlement, because of the limited funds to deliver enough RDP houses. Participants stated that they do not qualify for home loans due to their low income.

The dwellings where the plot is allocated by municipality are considered legal. People are entitled to all the services provided to other people within these areas. They have addresses with house numbers and all the legal rights to demand services, but there are some who joined the settlements illegally and settled on any open space due to their failure to meet the criteria to get access to a plot.

The participants who were living in the shacks pointed out that they were granted the plots to establish their shacks by the municipality. However, the plots were either owned by their spouses, boyfriends, or owned jointly. Findings revealed that this is because women do not have access to land and housing. They mentioned that they did not meet the criteria for one to qualify for a plots or RDP house.

Some of the respondents pointed out that they qualify for applications, while others did not.

One respondent stated:

I once tried to apply for the house and they told me that I should come with my children's birth certificate which I did not have and the proof of marriage. I ended up giving up, as it was not possible to have those things required for one to qualify for RDP housing. But still I am like those who had applied because they are always told that their applications have failed.

Some of the respondents indicated that they had applied several times, but they are always told that their applications have failed, and there are no clear explanations as to why. Others stated that their applications had been successful after applying more than five times; among them there are those who stated that they are still waiting for the contractors to come and resume the work, as they dumped the materials in their courtyards a long time ago after they had been told that their application had been successful.

One participant stated:

They came and told me that my application has been successful and I filled in the forms; after two days they came and took the measurements. The following day they came to start laying the foundation. The next week they brought these corrugated irons you see outside together with those wires and iron rods and then they disappeared. It has been three years now.

The findings reveal that on one hand the municipality is seen by some participants as more useful by granting plots to the people to establish their shacks, while on the other it is accused of poor service delivery. One of the respondents was asked: “Can you briefly tell me the story of how you came to live in this settlement?”

She stated:

I first came here when my husband died because he was working on the farms and we were living with him on the farm. After his death, I and the four children had no place to stay, as we were expelled from the farm. I had to go out and look for a job in the kitchens in Ficksburg. At that time I was staying with my sister at Clocolan, and it was too far from here, also the space was too small for two families and I had to walk for a long distance every morning and evening to and from Ficksburg. One day they told me that people were getting pieces of land at this place. I came and got a piece and pitched my own shack. This is how I have established a home here.

Another said:

Actually, life here is better because I am living in my own shelter with my children, and I know that this is my place; and even if I can die I will have the burial ceremony at my own place. This place is better and safer than living on the farms where we were just kicked out like dogs. The only problem is that we are not able to build ourselves proper houses.

Another respondent stated:

We are living here, but it is like the government has forgotten about us. Just look at the streets, sewage is running all over the streets and the whole place smells of sewage. This is because the municipality has built these toilets you see outside and left them without connecting any water. Some people are already using those toilets and they find their own ways of connecting them to water. Another problem with our municipality is that they take a long time before coming and emptying the toilet buckets. Some people empty their buckets by dumping them on the streets during the night.

Although women are living in this type of settlement their access to land and housing is still questioned. Participants indicated that the plots or shacks are owned by their male partners. Ownership within this area was male dominated.

4.3.2 Women living in shacks illegally

Findings reveal that some of women granted themselves land in the informal settlements, but one cannot notice that the plots were illegally occupied. Only the municipality and the people living in the area can notice. The people within the settlements do not take any action against these people, as some of them are their relatives or their neighbours who had been staying with other relatives or friends in overcrowded households within the same settlements.

The municipality had tried to chase them away, but in vain, as they simply ran away when they heard that the municipality was coming to deal with them, and then they came back after some time. These people stay there without permissions to occupy (PTO) and have no formal addresses. They are not known to the municipality. They connected themselves to municipality services such as water and electricity illegally.

Some connected themselves to their friends or families' amenities, and negotiated payments among themselves. The persons who are legally connected take all responsibility to see that the payment is made. If the people who are illegally connected failed to make payments they were disconnected. Others connected themselves illegally from the main supply. This kind of people is a great threat to the municipality and so once they are caught they are prosecuted. As for those who were legally connected but connecting others illegally, once they are caught they are disconnected and fined, but this does not seem to stop illegal connections.

Among this group of participants there were some who alleged that they came and established homes next to the place where municipality allocated plots for other people to erect their shacks. This implies that they put their shacks on unauthorized land. This is not secure as the municipality could demolish such shacks or evict the people living in this kind of settlement at

anytime. The following picture illustrates the settlement which was at the remotest place from the services where residents allocated themselves plots without any legal authorization.



Photograph 2: The remotest area in Ficksburg informal settlements. (M. Kane. June, 2009)

Following is the case of a woman living in the informal settlements illegally: An anonymous single woman aged 32 had been staying in Ficksburg informal settlements for seven years, with her six children. She had no formal job, but was involved in informal sector activities. She earns an average income of 100 Rands per week. She was living with her parents at the farm, and came to Ficksburg informal settlements at the age of eighteen looking for domestic work. When she arrived in Ficksburg, she got accommodation at her boyfriend's shack. They separated, and she decided to establish her own shack at the place where the municipality granted people who qualified plots.

She had never attempt to apply for a plot or RDP house, because only the people who have identity documents are eligible for government grants and services. She has no identity document and this made her ineligible to receive or apply for any government service. She had never applied for an identity document, because she did not have enough money to follow all the procedures. The money that she was supposed to have for all the procedures was estimated to be one thousand Rands. She had been trying to save money for an identity document, and sometimes find herself obliged to use the same money for other purposes.

She pointed out that life here is difficult. They are not connected to any services like electricity and water, all their connections are illegal. They are not even recognised as members of the community by the municipality, but as criminals. They live in fear that the municipality can come at anytime to demolish their shacks.

This lady stated that they are not at ease at this place although life is better than on the farms, or living in someone's shack. One is living under a roof and has freedom of doing whatever. She also mentioned that in this settlement they are able to incorporate their own rural life style with urban life without interfering with other people, unlike in the suburbs where life is more contained.

She stated that their children are able to attend local schools, unlike in the farms where they had to travel for a long distance for school. They are able to get piece jobs, or be involved in informal sectors' activities. She stated that one can never go hungry, unless one does not want to use own hands. She stated that they do not have street lights and this made the place to be very dark at night and hence targeted by robbers and criminals. She mentioned that they use wood, paraffin and coal for fuel and candles and paraffin lamps for lighting their shacks.

The above case illustrates that sometimes informal dwellers, more especially those who had occupied vacant land illegally, may well interfere with the government plans. This can happen if they are occupying land the government has already planned for other purposes, such as to establish a school, a community sports field, a community hall, a clinic or other things. In such cases those people had to be evicted or relocated. In this kind of settlement, even if people can apply for the housing grant or subsidy they frequently cannot get it, as their present dwelling places are considered temporary or illegal.

Another problem that was highlighted by the findings was that sometimes the informal dwellers establish their homes on sites which are not suitable for human settlement. For example, ground associated with a high risk of floods, and muddy places.

The settlements which have been established on such land are also relocated as they are considered to be dangerous or risky. The senior manager pointed out:

We sometimes establish those settlements temporarily for the people who are evicted from the farm with the hope of resettling them later some time, because the land is planned for some development in future...sometimes we have resettled them because the land they occupied has been found risky for human settlements.

Women frequently do not meet the criteria to be legible for a plot due to inability to meet the criteria. This left them with no alternative but to occupy any vacant space they found suitable for their livelihoods in the informal settlements illegally.

4.3.3 Women living in privately owned houses

The informal settlement residents in Ficksburg are well established. This is proved by the average number of years each participant's household has been living there is approximately 14 years. The residents are generally long-standing residents of urban areas who have been forced to live in the informal settlements due to overcrowding in their former accommodations, customary laws restriction for women to possessing land in rural areas, low incomes and a lack of appropriate affordable accommodation for them in urban areas.

An anonymous women aged 39 with grade a 10 educational level, stated that she had come to the informal settlements in 1998 after she had separated from her husband. She was formally living with her husband in a house at Maquard, with her four children. She stated that the house was registered in the name of her husband. She left the man with two children and took two children to Ficksburg informal settlements.

She got a job at a super market in Ficksburg where she met with a new husband who had a formal job. She had three children with that man, and thus made the number of children she is living with count to 5. They rented a flat in town and wanted to buy a town house, but found houses and land very expensive in town, and decided to apply for a plot in the informal settlements. They got it after applying several times. The plot is owned jointly but the name that

appears on the permission to occupy (PTO) is the husband's name. However, this woman stated that she has no problem even if her name does not appear on the PTO.

They both contributed to building of the house, and owned everything jointly. Their house is good modern house far better than RDP houses. She felt more secure because she alleged to have all legal rights to claim her husband's property; even if he could die no one can chase her out of her house. She stated that this is far better than sole ownership where a husband can make his own decisions sometimes without even consulting a wife.

This woman pointed out that it was not easy for her to get access to land or housing without male support because houses and land were very expensive. She stated that single mothers or women who headed household have huge responsibilities like providing for their children's basic needs such as shelter, education, food, and clothes. She mentioned that for female households head to survive they have to compromise the shelter for education, food and clothing needs of their children. She had an opinion that their government seemed to have not recognise their situation. Women are not fully protected by the laws, and are not provided with any alternative means of getting access to housing except through the market which is unaffordable for some women.

The above account reveals that some residents were living in the informal settlements due to the lack of affordable prices of land and housing and sometimes low incomes. Consequently, people had built themselves good modern houses within the informal settlements. These people were able to build well-structured and bigger houses of high quality, far better than RDP houses.

People like the one above seemed not struggling a lot, and are able to build themselves houses of considerable value. They came into the settlements because they had no land other than the plots they received from the municipality. The above indicates that informal settlements in Ficksburg are also found by some people who are better-off as an alternative to get access to land. However, the findings reveal that only couples with better incomes find ways to build their own houses. The poor women who are struggling with life are left behind due to their shrinking wages and ineligibility to meet the required criteria to get access to housing.

Another point which was noted within the Ficksburg informal settlements was that there were a few foreign migrants from other countries living in the informal settlements in addition to the Lesotho migrants. Those few were squatting with their local friends or renting houses in the informal settlements. Frequently foreign migrants were renting flats and houses in town.

4.3.4 Women living in RDP Houses

The South African Constitution states that everyone has the right to access adequate housing and that the State must take reasonable legislative and other measures within its available resources to achieve the progressive realization of this right (Knight, 2004). This is in line with the Freedom Charter's demand.

There were cases of the Masak'hane houses which were left uncompleted. In one case the foundation was made and left, in another the building materials were just dropped and left, while in others the walls were already completed, but left unroofed. People could not complete these buildings as they had low incomes or no income at all.

Participants mentioned that they have kept on applying for houses but they have not granted them yet. Some had already given up, while others were still applying. Among the participants who had already received RDP houses some mentioned that they were no longer hoping that they would get houses, due to the long waiting lists, while others stated that they applied several times to get those houses.

The following is a typical case: An anonymous old woman of 78 years had been living in the informal settlements for 16 years after the death of her husband. Her husband died on the farm where he was working. She came to this place after she had been evicted from the farm with her four daughters and two sons who had their own families. She said that she had no other land except a plot she got from the municipality, after applying for it several times. Before obtaining this plot, she was squatting with relatives at her uncle's shack in Zone 6. She was granted a plot

in 1999, and started applying for a RDP house since that time. Her application was placed on the waiting list and she was approved for a RDP house in 2007 and the house was completed at the same year.

In an interview this woman stated that before they went to the farms they were living in the rural area where women were not allowed to own property, but were accountable for taking care of their husbands' property. For this reason she had never got access to land or housing before. After the death of her husband she had no accommodation. She went to town in search of a job, but ended up living in informal settlement. She thought it would be easy for her to get access to land and housing in the informal settlements as other women were granted plots and RDP houses.

However, when she arrived here she found that it is not easy to get access to land and housing. Her uncle gave her accommodation and encouraged her to wait patiently. Although, she was content to have a RDP house, she complained about the quality of the house. She stated that the walls are not thick enough and the house is not well roofed. During rainy seasons the water penetrates the walls and the roof leaks. She still retained her shack even after receiving a RDP house. She pointed out that sometimes she finds her shack far better than the RDP house.

She also indicated that people in the informal settlements are not receiving the same quality of services as the people in the formal settlements. She stated that their toilet buckets were not emptied on time and this seemed to have caused more problems as some of the residents decided to empty their buckets on the streets. She mentioned that people in this settlement did not feel secure, especially women. They are the most targeted group of the criminals. Due to this fact, there is a lot of rape and old women are robbed of their pension now and then at this place.

This woman stated that she did not know the criteria used by the municipality office to grant houses to people and suspected that the office is full of corruption. She stated that other people applied and received houses within a short time, while others are placed on the waiting list for a long time. She stated that she had no idea of how her application had been approved, but

Participants in this study were concerned about transparency on housing delivery. They proposed that the government should plan to provide houses on one informal settlement at the time, and try to involve them in the decision-making process. They also suggested that houses should be granted on a first-come first-serve basis.

According to senior manager at Setsoto, the municipality is trying all possible means to provide RDP houses to the poorest. However, the provision seems to be very limited due to lack of funds. Some respondents stated that they are not able to pay for the municipality's services and this has constrained their applications for the RDP housing to be approved. One participant stated, *"This is not a joke; I don't have enough money to pay for the services. My pension goes straight to my medication and other family needs..."* They did not pay due to their shrinking incomes or to having no income at all. Other respondents stated that they were paying for the services.

To receive the housing grants senior manager stated that they had to apply. The grants received by the Department correspond with services. However, due to poor pay-backs the funds they received were too limited. The municipality is able to grant RDP houses to only a few residents in extreme cases.

The Senior Manager at the Department of Housing stated:

We are really facing a great problem when it comes to housing delivery. In order to get the funds for housing we have to apply for the grant. We have to make sure that people are regular payers of the services they are being offered within the settlement. The problem is that people in the informal settlements are reluctant to pay for the services; only a few are paying. The grants we get correspond with the payment of services, and in most cases lead us to get less funding. In delivering those few houses that we can afford after getting grants, we consider the critical cases and the unbearable situation of the applicants.

Findings of this study reveal that the problem in housing delivery is that the demand is greater than the supply, and felt by women due to their shrinking wages.

4.4 Causes of settlement in the informal settlements

Informal settlements are largely caused by migrant people who have come to urban areas in search of employment. People went to the informal settlements with the hope that there would be many opportunities for earning a livelihood for the poor in such settlements, rather than in the rural areas.

Findings revealed that participants had previously been staying in overcrowded accommodation in the rural areas, where they were not able to have their own houses, and access amenities. They were given the opportunity to get plots and built their own shacks within the informal settlements. Some of the residents pointed out that they were forced to move out from their original places and had nowhere else to stay other than in the informal places. They had moved out of those places and established themselves close to amenities on the edge of towns in the informal settlements.

Participants stated that they had come to the informal settlements because they were looking for jobs and wanted to be closer to job opportunities. One of the respondents was asked: “Why did you decide to stay in this settlement?” She said:

It is better here because we are close to places of work, and there are many more opportunities for work and services than in the rural areas where we were previously living. There are schools, clinics, a water supply, and electricity very near. At the farms, our children had to travel more than 20km to and from school every day. There was no electricity, water supply and the clinics were too far, in towns.

Moreover, due to early pregnancy and fewer opportunities for marriage, caused by the deepening economic crises especially among Basotho people in which men were no longer able to pay *lobola* (Matere-lieb, 1995). Young women found themselves struggling with life without an education, but with the responsibility of caring for their children at their early age. This left them with no alternative but to find places of accommodation in the informal settlements where they would be able to venture into the informal sectors’ activities.

Unemployment and poverty had led them into behaviour patterns, such as crime and having multiple sexual partners in order to get money for survival. Young women who seemed to have a lot of responsibilities were desperately looking for plots on which to establish their own shacks

and RDP houses in the urban areas, since it is not so easy for unmarried, divorced or separated and widowed women to be granted a piece of land, even when they had dependants.

4.4.1 Economic opportunities

Respondents indicated that they came to the informal settlements on account of better access to economic opportunities. As stated earlier, they pointed out that they came to Ficksburg's informal settlements because they were staying far from work, seeking jobs, looking at their means of survival and supporting their families as single parents. This relates to what has been said by Afshar and Dennis (1992) that women and men perform a number of functions, but women are different, having so many demands on their time and capabilities in most societies. They were expected to be their families' providers and wealth producers and this made it difficult for them to build themselves decent houses.

One participant stated, *"I had to come and live here, because I had no enough money to buy or rent a house in town and I find this place more convenient for me and my family."*

Sometimes women find themselves compelled to exchange sex for the means of subsistence, or to obtain cash to settle their debts and even to support their families. One lady stated: *"I once got involved in sex work because I had financial problems. I was staying in a rented flat in town and had no job; the only way of survival was being involved in this kind of work."*

Women within the informal settlements are struggling with life to the extent of being engaged in dangerous or insecure businesses, like the sex trade which is completely immoral in their society. They also get involved in dubious relationships in order to obtain security or basic needs, such as food, clothes and shelters. Married or not, the deepening economic crisis compels many women to seek a place of dwelling in the informal settlements, as many do not have enough cash to purchase land, houses or buy building materials (White, 1990).

They find staying in the informal settlements to be a great opportunity, as it increases their chances of becoming involved in the informal sectors' activities, and they can then venture into

small rural farming, as there is plenty of land to graze their livestock, or produce crops and sell at the market.

4.4.2 Social opportunities

Findings revealed that the informal settlement communities are multifaceted. They are multifaceted in the sense that they vary greatly from one settlement to another.

In Ficksburg, people have enough space, as they were granted the plots by the municipality. The shacks at this place are not congested in one place and spread out nicely. There is enough fresh air within these settlements, and ground between houses for grazing livestock. Although they can be socially cohesive, a large number of these residents have a means of survival, but large numbers of them have severe social and economic problems.

Residents in these communities have already established social networks within their own settlements. They maintain that they are living together with their neighbours and prefer living here to living in any other place. They have already set up neighbourhood groups, women's groups, youth activities, formed savings groups, community health, as well as mother and child care centres. Households that are part of the same social network build their shacks next to each other, extended families build larger shacks with extra rooms.

Participants stated that they were not fully satisfied with their settlement, as it is characterised by high rates of crime, and is not secure. One participant stated, *"There are some things I hate about this settlement... crime, hijacking, theft, and robbery are very common in this place. One cannot walk freely at night because of the people who have turned themselves into devils."*

There are frequent reports of the occurrence of crime, theft, and robbery within these settlements. Sometimes the criminals took advantage of the people, as they knew that the police will not arrive immediately at the scene. People were not free to walk at night, even during the day at certain places because of the gangs. They cannot feel secure, even in their own shacks, as those

gangs sometimes break in and steal any valuable stuff they can find in the shacks. Although respondents expressed their state of satisfaction, they were all concerned about the habitual crime in their settlement.

4.4.3 Political change

Political opportunities seem to be another reason for residents to establish homes within the informal settlements. South Africa has reportedly experienced a massive influx of rural migrants, as well as immigrants from neighbouring countries since 1994. Findings showed that since the removal of the apartheid regime in 1994 there has been a massive influx of migrants, as well as immigrants who previously had to stay in their designated places.

Participants from the rural areas came to towns in the hope of getting access to land or houses, as the constitution stipulated in its mandate.

One participant said: *“We came here after the 1994 elections with the hope of getting access to housing, as we saw housing development taking place and people living in towns getting RDP houses...”*

Another said: *“After my eviction from the farm I came here with a hope of getting an RDP house.”*

Yet another one said: *“People were granted RDP houses closer to their work and facilities; we came for the housing as well.”*

Residents indicated that they came and settled in the informal settlements in a new democratic South Africa after the removal of apartheid restrictions. Before 1994, they could not come and establish their homes in these settlements, as they were confined to some areas. This implies that only South Africans had felt free to live wherever they liked within the country since 1994.

The Department of Land Affairs and the Department of Agriculture (2007) stated that the Constitution of RSA (Act no. 108 of 1996) places a duty on government to take steps that would

enable citizens to gain access to land. People entered the informal settlements in the hope of getting access to RDP houses and land after 1994.

The constitution creates a mandate for the Department of Land Affairs to ensure that there is equitable land distribution amongst all South African citizens. The ANC put forward a series of policy proposals which included among others the creation of institutions through which the homeless and landless would have access to land, shelter and all the necessary services (Khanya College, 2001).

Although the policies implemented post-1994 can be seen from one point of view as aggravating poverty and equality, from another perspective they can be seen as one way of improving the living standards of the poor. Some people were able to get plots and houses in towns only in the post 1994 era in Ficksburg informal settlements.

4.5 Life in the informal settlements

Findings have revealed that residents are satisfied with their lives in the informal settlements. However, they have voiced their complaints regarding the provision of amenities, security and the life risks resulting from harsh weather conditions.



Photograph 4: Showing one of the streets with running sewage in Zone 8. (M. Kane. June 2009)

The above picture depicts the conditions of the roads within the informal settlements and the running sewage along the streets due to municipal delay in emptying the toilet buckets within the settlements. This shows that the people are not hygienically safe in these settlements. People living in the informal settlements require access to shelter and services, access to social amenities and access to income-generating opportunities.

In most cases, informal settlement communities contain many vulnerable households that depend on a fragile set of livelihood activities and social networks. This does not mean that their rights to protection should be ignored, but understanding the living conditions of the informal settlement residents is particularly important, so that people's livelihoods can be strengthened and policies implemented that will eliminate the negative impact of poverty on people's lives.

4.5.1 Challenges in the informal settlements

The middle and high-income blacks seem to have done relatively well by using the existing and well-developed private markets in the post-1994 era in South Africa (Huchzermeyer, and Karam,

2006). However, the poorest of the poor seem to have become even worse off. One participant said:

...you can only access a good house in town if you have money; people like us cannot afford houses in town, as they are very expensive; even to rent them is very expensive. Only people with good jobs can afford the life and housing in town. However we are satisfied with our lifestyle here; the only thing we need is housing and better services.

The poorest of the poor have fared worst and the physical expression of their state is mushrooming in the form of informal settlements at the edges of the cities and towns throughout the country. This has demonstrated the scale of their demands and the failure of the government programmes and the private market to meet their housing needs.

The main reason for establishing themselves in the informal settlements was that they prefer to live in mixed settlements, essentially villages, where they can establish modest houses and raise their children in safety. They can benefit from having relatively good access to urban work opportunities, schools, and health facilities in these settlements, while being able to venture into farming and small business activities which are sometimes illegal.

One participant stated:

At this place, we are able to live to our standard without interfering with each other, unlike in towns where you will be told what is allowed and what is not allowed, which sometimes complicates life for us poor.

The findings revealed that many are quite content with their lifestyles in the settlement and do not want to be resettled or to change their lifestyle. Further findings revealed that the participants here are faced with the challenge of inadequate protection against damp, exposure to different diseases, the risk of fire, harsh weather - like storms, theft, domestic violence and poor services.

One of the respondents stated:

You see I do not know how to do anything now because of arthritis which I think resulted from the damp and the cold we get from the shacks. You can feel for me when it is cloudy or cold, I am telling you; I cannot even take a step, and I am staying with my daughter-in-law here, she does not care; sometimes she is happy and at other times angry, you never know. We have those buckets toilets outside which the municipality took a long time to come and empty. They have built those water systems you see outside, but this is

the second year, and they are still incomplete. Actually, the municipality does not care for us people who are staying in the informal settlements; they are providing services only to the people who are staying in adequate houses.

The municipality seems to have limited funds to complete the projects. This is one of the reasons which make people doubt their municipality in its financial management. It has also created a chance for the municipalities throughout the country to misuse their funds.

Participants have also pointed out that rough roads, overcrowding, harsh weather, sewage spillage, and garbage disposal are among the major hazards and cause terrible inconvenience. They stated that flooding destroys their shelters and damages their possessions. Some voiced the opinion that the lack of electricity had resulted in a reliance on energy sources which are dangerous and expensive and are associated with greater fire risks, such as paraffin stoves and “Paola” with coal that is used to warm their shacks. These are highly associated with the risk of fires, and the use of candles for lighting.

The lack of proper service delivery, like electricity connections, has left the people within the settlement with no option but their involvement in illegal connections, which are dangerous. There are cases where the people in these settlements were prosecuted for illegal electrical connection. Sometimes they are charged a certain amount of money, but this has nevertheless become a habitual practice within the settlement.

4.6 Women in the informal settlements

Of the 2.4 million households living in informal settlements in South Africa, more than 30 % are estimated to be women-headed (DAG, 2007). The majority of these women lack economic security and find themselves consigned to generating an income in the informal sector. Informal workers typically do not enjoy the protection of labour laws, nor are they able to access credit, due to their very low and precarious incomes. Therefore, the ability of women-headed households to access adequate housing is severely constrained (DAG, 2007).

Women and children are considered more vulnerable than men. The DoH (1997) stated that women make up the majority of the urban poor, mostly earning money from informal activities. Participants in this study indicated that they are not fully content with their lifestyles due to service delivery. They have mentioned that they are able to build their houses with available material that is within their reach and indicated that life here is easier and more flexible than where they previously lived.

One participant stated:

It is better to live in these settlements than in towns where the standard of living is too high; in these settlements we are able to live up to our standard without any complications; unlike in towns where laws dictate to us concerning the standard of living which can be complex to us poor, as some of our means of living are forbidden by those laws.

Participants are close to economic opportunities and amenities, and stated that they are able to make friends and communicate with each other in their own language. They mentioned that they are able to establish plots to produce some crops for the market and private consumption within this settlement. Another one pointed out: *“Life in this settlement is more flexible than in town; we are able to make friends and communicate in our own languages, but in town you have to lock yourself into your own fence.”*

Living in the informal settlements seemed to have been an opportunity for women who are faced with the triple roles of being domestic workers, household heads and family supporters.

One respondent stated:

In this settlement we are living better than in our rural communities where we were depending only on our agricultural products for consumption as we had no market, but here we can also substitute our agricultural products with piece-job earnings from the kitchens. At this place one can produce and sell at the market. Another advantage of staying here is that I have enough space to stay with my grandchildren and they are able to go to school around here. We don't bother if we have a problem of fuel; we just climb the mountains and collect wood for fuel. Here everything is very near.



Photograph 5: Showing how the people have enough space between houses in the settlements. (M. Kane. June, 2009)

The above reveals that there is enough space between houses in Ficksburg informal settlements. This allows the residents to incorporate their rural life practices into the informal settlements in order to sustain their lives. They bring all their strategies from the rural areas to recreate elements of the rural environment they have left behind, both physically and socially. This lifestyle helps them to manage the problems of identity which affects women in particular, that is identifying themselves as active and responsible members of their families, because food production is one of their traditional roles in the family.

Everyone has a small plot of crops, peach trees and more, as well as a hygienically unsafe toilet in front of their shack. This simply indicates that they have enough space to continue with their lifestyles and daily activities without interfering with each other.

4.6.1 Women as active agents

No matter how little leeway there might be, human conduct is not completely pre-structured by circumstances. People are active agents who have a certain degree of freedom of choice and action. Participants demonstrate this when they make the choice to migrate and live in the informal settlements and to risk their lives for their own family's sake. Looking at family structures, decision-making is strongly linked to the men, however.

If a woman decides to migrate and live in the informal settlements, the outcome of her migration needs to be profitable for the family. However, sometimes this involves abandoning their children and husbands for a period. One participant said:

I first left my children back in the rural areas and came here looking for a job; after establishing my own shack I went back to collect them together with their father to join me here, as life here was better than in the rural areas.

Other participant stated:

I am selling fruit and other small things at the border-gate; the income I get there is not stable, as sometimes I spend the whole day there without anyone buying and therefore come back home without anything, and the money I earn there is not enough to sustain my family. This is the reason why I did not send my daughter to school this year because I had no money for her registration. I managed to register only the young ones in primary school...she is helping me at my business, maybe she will go to school next year if things go well.

The above quotes illustrate the fact that women are not only supporting their families, but they also look for and find out what is best for their families. Despite the challenges women face in the informal settlements they remain strong and resourceful. They were determined to migrate to urban areas in search of a better life for their families and face the responsibility of supporting and maintaining their families.

One optimistic young lady said:

If I had stayed in Lesotho my children would have starved and not been able to attend school; then I made a decision to come and look for a job and a better life here ... Whether it will be after 20 or 30 years, what I am sure of is that we will have houses, as long as we have our bar-coded green identity documents. Definitely, we will get them and other services.

4.6.2 Work and survival Strategies

Gallin, et al (1993) advocated that women's job opportunities and access to resources are generally more limited than men's, and so women are particularly vulnerable to the deepening economic crisis within developing countries. Women are employed in unskilled, unstable, low-paying jobs in the informal economies or export-led industries. These seemed to have been perpetuated by the structural adjustment policies.

Findings have divulged that women within the informal settlements employ different strategies to earn a living. Women's survival strategies are fragile, multi-pronged and not always ethical; they include a wide range of tactics, from finding casual labour and domestic work, to scrap-metal collecting, begging, shoplifting, selling child labour, working in and running spaza shops and shebeens, making repairs, as well as prostitution, to name but a few.

One participant stated: *"We earn an income by washing the cars at the taxi rank together with my two sons who are not in school...for washing one car one gets 60 Rands, and life goes on..."*

Another said:

Life is not that much easier; one has to work hard for a better life. The main source of my income is the traditional brew which I am selling, though this is believed to be a dangerous business. To me it is the only way of life, and I am able to support my family with the money I earn from this business.

Harsh circumstances create extreme vulnerability which leads, in turn, to both creativity and desperation on the part of women. However, many of the survival strategies employed have far-reaching effects, often causing vicious cycles of perpetual poverty.

Various forms of home business are practiced, such as baking, brewing, hairdressing, dressmaking, and the provision of day-care. Street vending is another common form of women's activity in the informal sector. Security of tenure would thus give women the opportunity to increase their economic productivity by using their own stands or own homes as production sites.

One lady stated: *“I am operating my own hair dressing right here at my place at the same time selling De lance products. The business is operating very well...I am not able to get access to a home loan as my business is considered to be insecure.”*

The general health of any family is directly related to the quality of housing and services they enjoy. Many people living in informal settlements suffer ill-health in the form of diarrhea, tuberculosis, pneumonia, HIV/AIDS, bronchitis and other respiratory diseases caused by poor living conditions and inadequate access to clean water and proper sanitation (Afshar and Dennis, 1992).

One participant stated:

there is a high rate of HIV/AIDS in these settlements because even if you are protecting yourself, these rapists around here are going to infect you, they sometimes break into our houses and rape us if they realise that one does not have a husband. For this reason most of the women here are just staying with their men for security's sake.

Women often bear the brunt of ill-health, fulfilling the role of caretakers due to cultural and reproductive gender roles. Time spent caring for others diminishes women's chances of securing paid employment and the financial resources necessary to access housing.

One participant confirmed: *“Yes, it is me who is taking care of other family members when they are sick...”*

Furthermore, the low incomes earned by women in the informal sector condemn them to the status of the poor and render them ineligible for access to home loans. Women's wages in this study are so low that they do not qualify for credit from financial institutions or social housing, and are thus condemned to live in shacks. In consequence, they are often obliged to live in squalid conditions which are found in the informal settlements.

One participant stated:

The problem is I cannot qualify to apply for RDP housing because I don't have a husband and my children do not have birth certificates... I can't help myself because the income I earn from brewing is only enough to sustain our life in the family and cannot cater for other needs like housing.

4.7 Government initiatives to control the rapid growth of informal settlements

In 1994 South Africa crossed into a new era that saw the end of the immoral apartheid regime and the beginning of a new democratic era. The end of apartheid marked an end to the state policies that supported racial discrimination and segregation. In line with the new dispensation the democratic government formulated a White Paper on housing, entitled, "A new housing policy and Strategy for housing" (DoH, 2004b).

This policy was based on the principle of capital subsidies. A strong targeting mechanism is used, in which subsidy allocations are based on household income, with the lowest earners accessing the full grant and those earning close to 3500 Rands accessing a lesser grant (Adler and Oelofse, 1996).

Current policy suggests that communities will be supported to mobilize and participate in meeting their housing needs in a way that maximizes the involvement of the community and the private sector and leads to the transfer of skills to, and economic empowerment of, members of the community (DoH, 2004). Given the low proportion (6%) of women relative to men in the construction sector, it is likely that at present women comprise a lower proportion of the actors in the material supplies sector (CSS, 1998).

This implies that women are not much involved in the construction of houses. This is one of the reasons that have led to complaints about RDP house structures. One participant said:

The RDP houses are not well built and constructed. The walls are not thick enough to resist water when it is raining, and some of them are not well roofed. When it is raining the rain gets inside...we don't know whose fault is, either the contractor's or the government's..."

The Housing White paper of (1994) is vague concerning matters of gender and provides no coherent strategy for dealing with this area. It is difficult to assess the extent of empowerment unless this notion is unpacked in terms of housing delivery.

The senior manager at Ficksburg has stated that the government is doing whatever possible to get rid of the informal settlements by providing people with low-cost housing in the settlements and government subsidised housing. He pointed out that in order to deal with those who are not complying with the laws, serious action will be taken. The government has recently proposed some by-laws which are specifically meant for the rebellious people living in the informal settlements.

The senior manager stated:

We are really concerned about the people who are staying in our informal settlements illegally, because they seem to have deepened the problem of the housing backlog and are sometimes associated with the high rate of crime in our settlement, as they are not known. We want to get rid of them, and so far the government has proposed some by-laws which will help us to deal with them.

4.7.1 RDP and Housing

The White Paper on Housing of (1994) prioritized the needs of the poor, encouraged community participation and the involvement of the private sector, and committed government to deliver one million houses in five years (Jenkins, 1999). The African National Congress (ANC) Reconstruction and Development Programme document (RDP) of 1994, and the Constitution (1996) have also committed the government to providing housing for the poor (Republic of South Africa, 1996). Since 1994, the low-cost housing programme has mostly involved building serviced townships on urban peripheries, which present a myriad of environmental, social and political concerns.

Findings of this study have shown that there are RDP/Masak'hane housing programmes in progress in Ficksburg. However, respondents indicated that there is no transparency in housing delivery at Ficksburg. The respondents voiced the view that it looks as if there is something wrong with their municipality. Some pointed out that the authorities provide houses only for their favourites. Others stated that there is no justice in housing delivery at Ficksburg, as the houses are given to some, while others are overlooked or skipped without valid reasons.

The senior manager at the department of housing expressed the view that people get houses only when they have applied and qualify for government housing. He indicated that to qualify a person must have valid residential proof, which is the South African identity document and a physical/residential address, be married or, if single, have dependants, a pay-slip or proof of income earned. The above must be submitted with the completed application form for application.

While some people were able to meet all the requirements and have applied several times with no luck to access houses, others claim that they cannot meet the requirements. Among them there were those who were not able to pay for social services, those who do not have identity cards and those who were married but are now separated or divorced, and those with no birth certificates of their dependants, as well as those who are unemployed.

4.7.2 GEAR and Housing

At a general level, many experts on low-cost housing and service delivery in South Africa identify the neo-liberal macro-economic policies of the ANC government, especially since 1996 with the introduction of the growth, employment and redistribution or GEAR programme, as the root of the failures in addressing sustainable settlements in urban areas. Experts claim that neo-liberal economic policies have deepened the marginalization and poverty of the already poor, causing, for example, very high rates of unemployment (Beall, Crankshaw, and Pamell, 2002; Bond, 2003).

The GEAR strategies were effective to a certain point, as the middle class and some of the poor benefitted. Middle class people got opportunities to expand their free enterprises. In housing, the strategies benefitted the middle class and the poor as they were able to get social housing and houses at a low cost. However, the poorest of the poor with no income at all were left behind. They did not get a chance of enjoying the benefits brought by GEAR (Beall, et al, 2003).

The poor cannot pay for the services that are essential for healthy urban living, as this study has found. This study has revealed that the poorest of the poor are struggling to pay for the basic services. Payment for housing by this kind of person could mean even more problems. This is one of the reasons which have let numbers of them establish their homes in the informal settlements, in shacks, where they do not need to pay for housing with their precarious incomes.

There are heated debates about the reasons for and the efficacy of the macro-economic policy choices that have been made by the government since 1994 (Hirsch, 2005). The government has struggled with its dual commitment to fiscal responsibility and the need to uplift the historically disadvantaged. What is clear, however, is that neo-liberal policies have made limited funds available for public, welfare-oriented programmes, meaning that the low-cost housing programme is underfunded, placing delays on delivery and resulting in housing of poor quality, built on cheap land on urban peripheries (Huchzermeyer, 2003).

While these criticisms are certainly valid, it is also true that the low-cost housing and service delivery programmes have dramatically increased the access to urban services by the poor. In Ficksburg's informal settlements everyone qualified has been granted a plot by the municipality to establish their own homes. There were 15 pre-primary schools, 5 primary schools and 2 secondary schools in Ficksburg informal settlements.

A question that has repeatedly been raised in the context of special needs housing is whether vulnerable groups, such as women experiencing domestic violence, should be prioritised when allocating housing. Charlton reported in 2004 that the National Department of Housing was debating the prioritisation of vulnerable groupings in the allocation of housing units. For the National Department of Housing, certain questions arose with respect to such prioritisation: for example, should all abused women get access to housing, irrespective of other criteria? Were some more vulnerable than others? Answers were "No" (Charlton, 2004).

4.7.3 Breaking New Ground

The new Department of Housing plan: Breaking New Ground (released in September 2004) demonstrates some new openness to diversity in low-cost housing approaches (DOH, 2004a). Furthermore, a “Housing Indaba” held in September 2005, bringing together stakeholders in low-cost housing from government, the private sector, civil society and academia, identified as the first of their targets the removal or improvement of all slums in South Africa as rapidly as possible, but not later than 2014 (Huchzermeyer & Karam, 2006).

In Ficksburg, Breaking New Ground has not been implemented. However, one doubts whether it is going to manage to provide all the people and the poorest of the poor in Ficksburg informal settlements with houses. The reason behind this doubt is the fact that it is also market-oriented. The strategies they employ seem to have been informed by neo-liberal policies. The strategies have benefited the middle-class people within the informal settlements, but left out the poorest of the poor.

BNG is providing social housing to the people who earn at least a minimal wage, but not to the people who do not have any income at all, as the houses are offered at a lower cost to those who can pay something (Huchzermeyer, 2003). People who are benefitting from this programme are the migrants and the low and middle income earners. The poorest of the poor, who do not have any source of income at all, do not benefit from this kind of programme.

4.7.4 Effectiveness of the policies and the projects implemented since 1994

In South Africa, as in many developing countries, informal settlements persist, despite the government’s targeted provision of low-cost housing. Slow delivery on a new government-subsidised low-cost housing plan is often put forward as the cause (DoH, 2004). The policies implemented since 1994 in South Africa seem to have failed to get rid of or control the rapid growth of informal settlements.

Governments would agree that informal settlements are an indication of the failure of the public sector. In South Africa policies have been implemented to address informal settlements. It seems

as if the policies since 1994 have focused more on the symptoms. Due to the interpretation of informal settlements as being significant national performance indicators, governments, including that of South Africa, are concerned with the visible presence of such settlements in their cities, but policies often tend to focus on eradicating the symptoms and forget about the root causes (Huchzermeyer and Karam, 2006).

In South Africa since 2004, the political aim of eradicating informal settlements (Sisulu, 2004) has been translated more sensibly into a 10-year upgrading programme (DoH, 2005), coupled with initiatives that aim to grow the economy. The above-mentioned aim seems to have ignored the fact that informal housing, even if based on the illegal occupation of land, is recognized by some as a more affordable and more immediately accessible solution to the housing deficit.

However, unplanned occupation, while meeting certain shelter needs, often leads to conditions that pose a risk to the residents. These settlements therefore require technical and socio-economic intervention. Such intervention, however, does not happen in isolation from urban, often national, and even global politics. The political decisions for intervention may be top-down and at times repressive, or, at the other extreme, may be the result of intense mobilization, internationally, nationally or on the part of informal settlement residents, and thus affect the lives of the people within such settlements differently (Huchzermeyer & Karam, 2006).

The Department of Housing in Ficksburg claims that the policies implemented since 1994 were effective up to a point, because there have been a number of developments they can point to since 1994 although there are still some difficulties. The Department has pointed out that the growth of such settlements is beyond its control. The municipality has tried all possible means to get rid of these settlements, but in vain, because the demand is higher than the supply.

The senior manager stated:

We are trying to deliver houses, but I can tell you it is like we are not doing anything, another problem is that the moment we deliver houses is the moment the people are flocking into the settlements, and sometimes we just deliver 10-20 houses per year. Our waiting list is really hectic I am telling you...

The only remaining hope is that perhaps BNG will make a big difference to reduce the long waiting lists, as well as the by-laws that are to be implemented very soon. One participant advocated:

We have heard about BNG; though it is not yet implemented here, maybe it will build us houses but we have lost hope in our government, as well as the RDP thing... anyway let's hope for the best on BNG. Who knows maybe it will build us house. When? We do not know.

4.8 Problems linked to informal settlements

Problems which are linked with informal settlements in South Africa include overpopulation, overcrowding, pollution, poor sanitation, the risk of infectious diseases, such as HIV/AIDS, poverty, vulnerability and exposure to hazardous weather, unemployment, crime, theft and stigmatization. Although informal settlement communities can be cohesive and tightly-knit, there are often severe social and economic problems caused by poverty and vulnerability, and by a general sense of alienation and exclusion.

4.8.1 Economic and social problems

The findings of this study show that large numbers of participants are working in the informal sector, others are not working at all because they are sick, not fit to work, or are too old, or perhaps their spouses are working. The participants depend on government grants. Unemployment, crime and theft were mentioned by a number of the respondents. They said that they did not have secure employment and there is a high rate of crime and theft within the settlement.

A major problem within the informal settlements is poverty. Findings have highlighted the fact that people living in the informal settlements are either unemployed or involved in informal sectors' activities. This is one of the reasons which make it difficult for the people living in these settlements, since they have no alternative but to live in the informal settlements. The problems which people are likely to experience in these settlements include crime, car hijacking and smuggling.

One of the respondents stated:

You know sometimes we are not sleeping because of the gun shots and noises made by the police and people who are smuggling dagga...sometimes we find dead bodies just lying there at the street and sometimes found at the (border to Lesotho) river... These are the results of the business between the people from Lesotho and those who are living in the township here. They take chances even when the river is overflowing; they are just crossing.

Typical social problems within the informal settlements include crime, drugs, alcoholism, domestic violence, dependence on welfare, and community conflict. Issues mentioned by the respondents participating in this study as being causes of their social vulnerability, included low levels of education, being single parents, domestic violence, drugs and alcohol. Shebeens and sites where the gangs meet were highlighted by the participants as dangerous places for women, more especially at night.

Participants stated that their municipality does not care for their needs but concentrates on formal settlements and serve them at their expense. They complained about the basic services like the clinics, the roads, the sewage and garbage disposals, as well as security.

The following pictures illustrate the poor roads with running sewage and a lack of garbage disposal within the settlement. It was also observed that the garbage scattered at the garbage disposal site within the settlements blew back into the homes during windy seasons and some of it was brought back to the settlement by children. This may cause diseases to these children.



Photograph 6: Showing the roads which are not maintained, with running sewage. (M. Kane. June, 2009)

Most of the street networks in the informal settlements have inadequate storm-water drainage. This is mainly attributed to the fact that the majority of the streets are either graveled or graded and no provision has been made for storm-water channels.



Photograph 7: Garbage disposal in an open space uncovered and unfenced. (M. Kane. June, 2009)

Another problem is health services within these settlements. One of the respondents from Zone six living in a shack stated:

If you go to the clinic you will have to follow the long queue as there are few nurses to attend to us, because there is no doctor at the clinic, and if you want to see a doctor you have to go to town where we stand in longer queues than here and services are very poor.

Another respondent on the issue of security stated:

We are totally insecure here; you can't walk around safely after 7p.m. There are many gangs of young men who hijack people, rape women and take their possessions. They are also taking advantage of darkness because we have no street lights on this side. If they realize that you are staying by yourself or you have gone somewhere overnight they come and break in....surprisingly, police-men are not taking any serious action about all these activities.... I think if they were doing something these could have been dealt with or would have subsided. I am telling you this place is not safe at all.

Victims here are women because they lack power to protect themselves. They felt insecure at these areas. They are the most targeted group of people by those people who are involved in crime.

4.8.2 The Setsoto Municipality at Ficksburg: the Department of Housing

Provinces and municipalities are generally responsible for the allocation of government houses to beneficiaries. Municipalities have different methods of allocating available housing in their areas, subject to beneficiaries fulfilling the criteria. The senior manager at Ficksburg stated that houses in their area are delivered according to a waiting list. This means that unless one's name is on the waiting list for a specific project, it is very difficult to get access to housing in the short term. This allocation of houses seems to have resulted in certain difficulties for women. In many instances, women need immediate houses due to forced eviction or domestic violence.

Findings of this study reveal that the municipality has full responsibility to control and manage the informal settlements, as well as the formal settlements in their areas. This responsibility embraces social services, infrastructure, land, housing delivery, clean water, etc. As said earlier, this municipality consists of four areas. There were fewer problems encountered within the formal settlements, while numbers of problems arose from the informal settlements.

The senior manager pointed out:

Our challenge is that we are not able to serve all these areas equally because their payouts are not the same....we are only determined by the service payouts and the funds we receive from the government correspond with their payments.

Another challenge pointed out by the senior manager was limited funds. The municipality was not able to find enough money to cover all the needs of the people within their areas.

The senior manager stated:

We are not able to improve one area at the expense of the other; if the area has a low payment rate that implies that it would receive little developments. The services received at all the areas must correspond with their payments...this is very difficult for us because in severe cases we find themselves compelled to use other areas' funds for

another...example sick people with special needs and housing from the informal settlements with poor payment of service...

The senior manager reported that they had tried to force people to pay for the services received, but in vain. He pointed out the problem with informal settlements is poverty and unemployment, and people are genuinely unable to pay for the services because they do not have any sources of income. The services were cut off at some point for the people who are not paying. However, that did not seem to bring any solution or change. The people reconnected themselves through illegal ways.

The senior manager said:

We tried to cut off the services for the people who were not paying, for example electricity, water...you know what they did the following week? We find them reconnected. We took them to court and some of them disappeared ... In most cases you will find that they are hiding themselves in Lesotho; others were ordered by the court to pay. Among those who were ordered by the court to pay, there were those who could not pay anything, they were extremely needy.

The findings have revealed that the strategies employed for housing delivery are found in practice to be very difficult. However, the municipality employs any possible strategy to deliver houses in severe cases, due to limited funds received from the government. The Municipality seems to have been loaded with a lot of responsibility which it is not able to carry to the level of their promised standard. The limited funds were found to be the reason for incomplete projects; sometimes the money was finished in the middle of the project and they had to stop it.

The senior manager said:

We sometimes start the projects and are unable to finish them due to a lack of funds... the water system toilets were just left incomplete ...we are still asking for more funds from the government to complete those toilets, but some people are already using them; there is nothing we can do."

He added:

The list we have here of the people who have applied for the houses are many, the problem is we have limited stock to deliver... eh! Maybe the government will have to do something to sort out these problems... Now it is like we do not want to deliver the houses to the people. We are called by names when we walk out there.

In Ficksburg the BNG has not yet been implemented, but the senior manager pointed out that they are anxiously looking forward to it, as they think it would help them by offering houses to people in different ways, thus reduce their waiting lists. There is also a fear that only a few women will opt for the BNG houses, because large numbers of women within this municipality's informal settlements are very poor and are still unemployed.

4.10 Conclusion

Generally, the participants indicated that they were feeling relatively comfortable with their settlements, since this meant that they were staying under a roof and were able to continue their daily activities. Unmarried women felt here they have a greater opportunity to have access to land and housing, although there are a number of restrictions which inhibit them accessing land and housing. A number of them were still waiting patiently to receive plots.

Separated and divorced women seemed a bit content, as they have escaped domestic violence. However, some did not qualify for the grants as they had registered their former plots jointly with their spouses and this prevented them from getting plots as they appear on the National data base as the beneficiaries of the former housing subsidy. However they were waiting patiently and continue to apply for houses and plots.

Some of the married and cohabiting women were content that they had been granted plots to build their own houses in these settlements where they were able to get an opportunity to participate in urban life. Others were totally unhappy with their settlements due to their domestic violence experiences. However, they had no other place to go and they were enduring problems within their homes.

Granting people plots in the informal settlements was a huge improvement to living on the streets, being tormented, evicted, living in overcrowded houses, and sometimes far from the services. Overall, women were more concerned about service delivery, crime, robbery, and lack of employment and their subsequent vulnerability.

Findings have shown that service delivery is very poor and unreliable in these settlements. The participants staying in the shacks pointed out that the municipality seemed to have ignored their needs and concentrated rather on the people living in formal housing. They complained about the unfinished projects which had been started by the municipality, the provision of waste disposal, sewage, and roads maintenance; they also maintained that houses were unfairly distributed amongst the inhabitants of the settlements.

However, people who are staying in RDP/Masak'hane houses indicated that they were relatively comfortable that they had ended up getting houses after applying for them several times. They complained more strongly about the quality of these houses. Some of them pointed out that they would not get rid of their shacks, as they find them to be convenient and safe places, meaning they still had their shacks next to their RDP houses.

Some of the women are quite well-off, lived in private houses, and had steady marriage relationships, and others worked in the formal sectors or involved in the informal sectors activities, but were doing well. In this group no one has indicated that she owns a plot or a house, the plot/house belongs to the husband or belongs to both jointly. The other group was the group of people who were living in the informal settlements illegally. Uncontrolled illegal settlements are evidence that the Ficksburg municipality was loaded with too much responsibility with which it is unable to manage.

The senior manager pointed out that the informal settlements were getting out of control. Some residents located themselves at the places reserved for some particular development. There is a high rate of crime within these settlements. Others are staying there illegally. Failure to pay for the services made it impossible for the municipality to continue to offer proper services within these settlements.

CHAPTER 5

This chapter is devoted to a discussion of the findings of this study. The key issues on which the discussion is based are the causes of the prevailing rapid growth of informal settlements, and the factors which constrain women from getting access to land and formal housing. Gender has formed the basis of this discussion, as the roles played by males and females within the communities have clearly shaped their ways of life and their respective contributions to economic development.

This section is intended to address the theoretical question of the study: “Why do the constraints or factors that inhibit women from getting access to land and housing still exist in the new democratic South Africa?”

5.1 Women in patriarchal societies

In patriarchal societies, the cultural norms tended to favour men over women. Women in those societies had always been subjected to lower positions in terms of their roles, the distribution of resources and decision-making compared with men. This had left a legacy for the modern world. There is still a general tendency for government institutions, financial institutions and individual members of society to behave and act culturally as community and cultural norms dictate.

African societies are still patriarchal in many parts of South Africa. In these traditional societies land belongs to men. Customary laws recognise property rights, but in a very limited way. These laws have tended to marginalise women; they have always considered women’s work to be in the home; and they have traditionally expected women to make no claim to the wealth in a family.

All property acquired during marriage has been under the sole control of men. A wife had control only over her personal effects, like clothes. Customary laws seem to be still active in Ficksburg, Lesotho, other parts of South Africa and Sothorn Africa.

The people who comprise this study are predominately Basotho, originally coming from Lesotho, Free State rural areas, and Ficksburg farms. Basotho Customary Laws do not recognise women's right to property. For this reason, a woman is married into the clan of her husband according to the traditional customs. Upon the payment of *lobola*, a woman is then regarded as being the property of her husband (Mapetla, 2003). For this reason women are considered to be caregivers, housekeepers, and their husbands make decisions on their behalf.

In marriage women traditionally do not own any property, and they only have user rights to their husband's properties. This study reveals that within informal settlements women are still holding onto their traditional positions as housekeepers and caregivers.

In the Basotho culture the matrimonial house is built on the clan's land and therefore belongs to the husband. This means that when the husband dies, it reverts to the clan. Upon divorce the women were not allowed to claim their husband's house because it belonged to the clan, even if she has contributed to building the house (Matere-lieb, 1995). In patriarchal societies women did not belong anywhere; in their father's family they were regarded as being in transit to their future husband's home; in their husband's home they were regarded as being outsiders not - yet full members of the family, as they were from another clan.

The culture and the legal systems deny the widow a right to the inheritance of any property. Both legal and customary laws promote male dominance, whereby land and housing are passed along the male line (Mapetla, 2003). Although women may have a legal right to inherit property, this may not be realised if the claim is not socially and culturally recognised, and in numbers of countries patriarchal customary systems have deprived widows of the matrimonial home.

Women thus sometimes remain homeless after the death of their husbands. Consequently, as this study found, many Basotho women opt to migrate to Ficksburg and other places where they can get access to land, a RDP house in the informal settlements. Sometimes widows with young children were obliged to get married to one of her brothers-in-law in order to exercise user rights to the home in the rural areas (Matere-Lieb, 1995).

Chenwi (2007) states that patriarchal traditions that require women to submit to men who are the heads of families, are deeply rooted in South African societies in both the urban and rural areas. Even in educated households, the practice of husbands paying *lobola* reinforces the inferior status of women. Widows and daughters can, however, inherit property bequeathed through a will, with the exception of immoveable property or livestock. Such property is managed by the son of the deceased father or by another man in the family (Mapetla, 2005).

The problem is that in South Africa, both modern and traditional laws are active and sometimes they are in contradiction of each other, thus the only option left for women is to purchase land or a house in town or to establish their homes in the informal settlements legally or illegally depending on their qualifications for municipal services.

5.2 Constitution and women since 1994

Combrinck (2009) stated that in theory, South African women have the same rights as men, but numerous examples of discrimination are still evident. The situation varies, depending on the region and the influence of tradition, but overall women's access to land is very limited. Under the customary system, only men can exercise land-ownership rights; women have access to land only through their husbands and single women are excluded because land is reserved for couples.

Since the end of apartheid financial institutions have been established to help Africans obtain access to bank loans, primarily to set up or to develop small businesses. Some financial institutions specifically target women, but these initiatives have rarely been successful for various reasons: rural areas have been overlooked (Charlton, 2004). The procedures are too bureaucratic; women sometimes need their husbands' consent to obtain financing; and some institutions require security, which is difficult for women to provide. In effect, these factors create a form of discrimination against women. This study has revealed that women were not able to make use of financial opportunities available because of their personal financial limitations.

In South Africa the international conventions that outlaw discrimination against women have been generally accepted and approved. Various international human rights instruments have been employed to address the question of property rights, although not in detail. CEDAW (1998) Article 15(2) requires governments to give women equal rights to sign contracts and administer property. The provisions of this article also address matters that concern customary laws and religious practices that tend to discriminate against women in regard to property.

However, women in Ficksburg still have problems in matters concerning land, as a number of them do not meet the requirements for government subsidies and some cannot afford market prices for houses.

Among men and women alike, there still is a lack of gender and human rights' awareness, of the serious repercussions that the denial of women's rights continue to have, and of the possible strategies towards actual implementation of these rights on the ground (CEDAW, 1998). This study has shown that many women in Ficksburg do not have the necessary information, confidence, experience and resources to obtain that to which they are legally entitled.

The Constitution in South Africa seems to guarantee married women ownership of the matrimonial home in marriage, and even outside marriage (Constitution Act (108) of 1996). In practice, however, this is not always possible. Usually, the Constitution, the Land Acts, and Registration of Titles Act are not harmonised but frequently contradict each other. In South Africa, the Titles Act does not allow women married in community of property to register land in their own names (Charlton, 2004). In community of property the man is the sole administrator of the joint property and therefore the name of the woman is not allowed to appear on the register, but instead her name is assumed to be there, although in some communities both party's names appear on the title deeds (Matere-Lieb, 1995). As discussed, this legal arrangement often serves to deny women access to property, and hence promotes the growth of informal settlements in marriage breakdowns.

This conflict of laws does not only impact on women's rights, but they are also subject to abuse and misinterpretation by different actors who apply the law in conflicting ways. It is not surprising to discover that some of the requirements for women to get access to land and housing are not attainable and long waiting lists for houses exist. This is because many of the existing laws within the country are still patriarchal in nature, and hence, tend to predominantly marginalise women.

Women are not fully embraced by the laws, even in the modern world. They are not treated equally with their male counterparts by the laws. There is also evidence in Ficksburg that, while some meet the requirements for housing grants or plots, others do not qualify, and hence have remained in the informal settlements as illegal dwellers or in abusive relationships.

Non-Governmental Organisations like CEDAW and civil society organisations in developing countries have attempted to challenge the discriminatory laws against women which are operational in these countries. However, the task is found to be quite complex because statutory law is so frequently infused with patriarchal law. It is not easy to separate the two.

In Ficksburg informal settlements customary laws play the dominant role. For example, a woman has to produce proof of marriage or proof of dependents in order to qualify for municipal plot or housing. This indicates that girls and women over the age of 18 are denied access to land and housing if they do not have dependants. At the same time girls less than 18 years with dependants were denied access. This has sometimes led to a situation in which young women become involved in abusive relationships in order to attain proof of marriage or in sexual harassment to obtain support from men. Thus, they frequently become victims of domestic violence.

This study has revealed that the group of men from whom unmarried women receive support differs in marital status. It ranges from cohabiters, casual boy friends, and adulterers.

Laws and policies even when recognizing women's equal rights to land and property are still very difficult to implement (Charlton, 2004). Regulations and guidelines for the implementation of laws and policies are often very technical and in many cases have not yet been written from a gender perspective. As a result, forms for registration of land for example, often simply lack the space to indicate the joint registration of both spouses.

The land officials having to work with these forms often lack any gender awareness. Persistent cultural and customary attitudes also work against the implementation of women's rights.

5.3 Women in Ficksburg informal settlements

The findings of this study have revealed that participants come from different places. In this chapter the different reasons which have impelled women to migrate from their original places to join Ficksburg informal settlements have been discussed. Studies on migration have highlighted the fact that numbers of women have habitually migrated from rural areas to towns and cities in search of jobs and better lives since the 1980s (UN-HABITAT, 2005).

Respondents in this study have given similar reasons for their migration from their original places to Ficksburg informal settlements. Findings have shown that many of the participants have come from the Free State rural areas, Lesotho, and Ficksburg farms.

5.3.1 Problem encountered by women in getting access to land and housing

The findings from this study show the participants had no land other than the plots in the informal settlements which sometimes did not belong to them but to their boyfriends or husbands. Some of them came from the rural areas and others from farms. They indicated that the land or the houses they occupied before belonged to their husbands or to their bosses. This demonstrates the fact that the customary laws which have prohibited women from getting access to valuable resources are still active in the rural areas and some parts from which the respondents

originally come. They came to Ficksburg informal settlements with the hope of getting access to plots and RDP houses.

Whether divorced or separated, in most cases women remain responsible for raising their children. This seems to have minimized women's chances to purchase houses or building materials for a decent house, as they were burdened with the responsibility of raising their children on their own.

In the absence of government support for social services, more burdens are placed on poor women. Women remain in abusive relationships for the sake of their families, to obtain cash to purchase land, or building materials or to settle debts, as this study has revealed. Married or not, the deepening economic crisis compels many women to seek places of dwelling in the informal settlements, as many do not have enough cash to purchase land or to buy building materials.

Domestic violence is increasing, especially in the informal settlements, as men's anger at poverty and hopelessness is expressed against women and children, and some commit acts of violence against their wives, as has been seen in the findings of this study.

Women in urban areas have greater chances of access to property and land than their counterparts in rural communities. Since 1993 South African women have been entitled to the same legal ownership rights as men, and the law guarantees them equality in the purchase, sale and management of property. Previously, they had to obtain permission from their husbands to enter into contracts. In rural areas husbands continue to make the decisions about buying or selling property (Chenwi, 2007). Women are denied such rights.

Rights-based approaches have helped to identify where the rights come from, and to thereby assert their validity beyond moral and economic arguments. These approaches assert that everyone everywhere is entitled to certain basic rights, including equality in pursuing the right to adequate housing, land and property (UN-HABITAT, 2005).

However, in Ficksburg, women are systematically denied access to housing and are particularly vulnerable to forced evictions. This study has revealed that some of the women were evicted from the farms after their husbands' death because the rural labour market prefers men rather than women.

The State's duties also include promoting the meeting of special housing needs, including, but not limited to, the needs of the disabled and the housing needs of marginalised women and other groups disadvantaged by unfair discrimination (CEDAW, 1998). However, the findings have revealed that, women and those who are disadvantaged by unfair discrimination like being evicted from Ficksburg farms or families, are still encountering problems when it comes to government housing and plots.

It is questionable whether existing housing programmes in South Africa, as they apply to women experiencing domestic violence and women unfairly discriminated against, actually comply with constitutional standards.

In fact, securing women's rights to housing and land is fundamental to improving women's status, and their lives (CEDAW, 1998). Without independent rights to adequate housing and land, women remain dependent on males and inclined to lives of insecurity, abuse and exploitation. In such situations women remain vulnerable, and will continue to be exposed to all kinds of harassment. .

On the one hand, a woman can easily be forcibly evicted from her home or land at any time, often without any choice whatsoever. On the other hand, she may easily become trapped in situations of violence and abuse because she has nowhere else to go. This study has revealed that some women are obliged to endure domestic violence and harassment because they have nowhere else to go.

In Ficksburg informal settlements, women's housing poverty and insecurity take different forms. These situations vary from the woman who has no other housing option than to stay in a situation

of domestic violence in order not to become homeless, to the young mother struggling in the slums without basic tenure security for herself and her family, to the girl orphaned by the HIV/AIDS pandemic and prohibited from inheriting housing and land on an equal basis with her brothers.

For women in particular, housing rights are intimately connected to their security, health, and wellbeing. If they are unable to fully enjoy their housing rights, women cannot be the planners of their own destinies, they cannot exercise true independence, and they become vulnerable to countless other human rights violations, as this study has revealed.

5.4 Women's challenges in the modern world

This study has revealed that the lack of affordable housing among women due to unemployment, lack of opportunities to get jobs which pay well, and poverty, have contributed to the increase in squatter camps and informal settlements in Ficksburg. In South Africa, there are no towns or cities without informal settlements. In addition, the towns and cities are typically divided into four sections or settlements. That is: the white town, the old black township, the semi-formal shack areas and the informal settlements (DoH, 2004).

Women were socially discriminated against and deprived of access to land and houses within the patriarchal societies. In the modern world, regardless of the discriminatory cultural practices and beliefs, women find themselves compelled to find houses. They are able to do so through the free market economy within the urban areas, and some of the institutional frameworks like Common Laws work in their favour (Matere-Lieb, 1995). This has been found to be one of the factors contributing to the rapid growth of informal settlements in Ficksburg, as women wanted to access land and houses, because customary laws have prevented them from accessing land in the rural areas.

Furthermore, the transition from the traditional world to the modern world has led numbers of women to seek accommodation close to their jobs and amenities. Farm evictions, which are

commonplace in Ficksburg's rural areas, and the inadequate land redistribution programme, are also key issues which persuade women to migrate from the rural areas to the cities and towns in search of land and houses. The historical struggles against influx control and Bantustan policies as well as migration trends clearly indicate that people want to live where there is work (Huchzermeyer, 2003).

The findings of this study have also revealed that large numbers of participants want to be close to services.

Unlike in the past, where women's place was at home, taking care of the family and raising the children when their husbands had gone to work, in the modern world women have to go out and look for jobs to support their families. The neoliberal policies have placed more responsibility on women, as they have to generate an income like their male counterparts (Napier, 2006).

In developing countries, including South Africa, female-household heads is increasing rapidly. This has contributed to the changing roles and responsibilities of women in the modern world. This study has already revealed that there were female household heads among the participants of this study.

5.5 Housing delivery

Since 1994 the government has committed itself to deliver at least one million houses in five years, but the government has not met this target of 350 000 houses per year (Kanya College, 2001). Kanya College (2001) recorded that between 1994 and 1999 the government spent 10 billion Rand on housing, but only 700 000 houses were built. It is estimated that only about 30 percent of the houses conform to the norms and standards set by the government itself.

This is borne out by cases over the country where sub-standard houses have collapsed or been blown over by the wind. In some cases whole communities have been made homeless. Therefore

criticism arises that poor housing provided by government has caused more problems than solutions, problems such as ill-health and high transport costs.

However this study has shown that the provision of RDP houses in Ficksburg has caused confusion, ill-feeling, suspicion, and conflicts among the residents, as they have become convinced that there is a lot of corruption in the delivery of houses. Houses were delivered to some people, while others were clearly overlooked, whereas all were supposed to have qualified equally for such houses.

This study has shown that there has been a great concern for transparency in housing delivery among consumers. This implies that the present set-up of accessing housing encourages corruption. Nationally, there have been many cases of corruption. There have been numerous housing scams, where deposits have been taken from people with the promise of housing. There have also been complaints concerning poor standards of housing and unfinished projects (Jenkins, 1999).

Corruption in municipalities has added more burdens to the delay of housing delivery. Some of the officials have misused the grants and others have misused the houses. For example, the Ficksburg Daily News of the 31 January 2009 reported that while some people are desperately in need of RDP houses and have been staying in shacks for many years, in Herschel, south of Bloemfontein, the counselor's goats occupy RDP houses (Mpama and Sobuwa, 2009).

The report goes on to state that there are 32 RDP houses unoccupied at the same place, some of them had been there for 11 years; others have been turned into shebeens or dens for thugs. But when people from the informal settlement applied for houses they were told that there were no houses (*ibid*).

The DoH (2004) highlighted the fact that in some places people have also tried to sell their RDP houses before moving back to squatter camps. Some of these RDP homes have been sold to private developers for as little as 2000 Rand. The private developer then resells the house to a low-income earner at a huge profit. There are participants in this study who have retained their

shacks even after receiving RDP houses. The reasons for retaining shacks were businesses, poor quality of RDP houses and size. In fact people built bigger and more comfortable houses and shacks from their own resources.

Upgrading programmes, such as Building New Ground, have apparently shed a little light and hope in housing delivery in the form of social housing. Despite the big strides made by the BNG programme in some places where it is already operational, the problem still remains for the poorest, as the policy of upgrading are more market-oriented and become unaffordable for women who do not have jobs.

5.6 The RDP policy in the informal settlements

The Macro-Economic Research Group (MERG) and the RDP were both policy initiatives implemented in 1993 to address the problem of the rapid growth of informal settlements. MERG proposed to address the apartheid legacy through the expansion of public sector investment in critically needed infrastructural and human resource development, particularly in housing (DoH, 2004).

The RDP proposed massive state housing programmes to provide for basic needs. Besides the provision of housing, the RDP committed itself to communities' empowerment, and gender-equality advances. In its mandate the RDP pointed out clearly that women would have the right to housing, regardless of their marital status. The participation of communities and other stakeholders was therefore vital to the process (RDP, 1994). Surprisingly, this study also revealed that women are not fully adopted within RDP housing, as there are requirements which prevent some women from qualifying for RDP housing or government subsidies, such as proof of dependants, age, and proof of marriage. This illustrates the point that women are still being marginalized, even in the new and democratic South Africa.

The failure of the previous policies can be clearly seen in the growing slums, shanty towns, social inequalities, exclusion, marginalization and discrimination. All the informal settlements

are products of ineffectual governance, corruption, inappropriate regulations, exclusionary urban economic development, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems, and a profound resource deficit (DoH, 2004).

Khanya College (2001) recorded that in Gauteng there were about ten times more informal settlements than anywhere else in the country, with little or no roads, sewerage or water. Working class accommodation was still overcrowded, as numbers of women flocked into the informal settlements areas in search of jobs to sustain their families. People live in such settlements in squalor. The people who most feel the brutal effects of the above factors are invariably women.

The same or similar situations seem to prevail in every town in South Africa, including Ficksburg, as the findings clearly show that women came from Lesotho, Ficksburg farms and Ficksburg rural areas to settle in the informal settlements. Regardless of the situation within these settlements they still considered themselves privileged to have found a place there.

5.7 Women's power and access to resources in the informal settlements

The homeless poor, especially those living in the informal settlements are relatively powerless. Despite the strength that lies in their numbers, they are vulnerable to exploitation or are totally neglected (Cosser, 1990). Their powerlessness is reflected in their insecurity of tenure, their makeshift shelters and the lack of services. Women's powerlessness is echoed by their inability to obtain loans from financial institutions due to their financial status or dubious marital status. Women were not able to profit from some of the gender policies which were meant to rescue them from male dominance because of their lack of education (Kok and Gelderblom, 1994).

Proper participation has the potential to transform the poor community by allowing access to decision-making, by facilitating organisation around the issues of local concern, and by promoting political awareness (Kok and Gelderblom, 1994). However, this study reveals that participants are less involved in the changes that are taking place within their societies. The

municipality decides on the project to implement in its communities. This still reflects male dominance, as the majority of people in top management at the municipality are men.

For example in the Setsoto municipality the director at the housing department is a man, the senior manager in the same department is also a man. It is not easy for men to understand exactly the needs of women, and hence they will exercise their power to make women feel that they are inferior.

The idea of a one-time capital subsidy for poor families has been developed rather extensively in recent years. The Independent Development Trust (IDT) applies a capital subsidy of 7 500 Rands per site for families with monthly incomes of less than 1000 Rands. This subsidy is paid directly to developers and is limited to infrastructural and service development (Urban Foundation, 1990). Although this subsidy is aimed at a minimal level of service delivery, it only operates through approved development schemes which are absent from any uncertain policy and legal framework. Consequently, the residents of illegal squatter settlements cannot benefit from this scheme.

This restriction, although understandable, has contributed to the exclusion of the poorest of the poor. The housing needs of the poorest families are still not being met by this subsidy scheme. The subsidy is valid only for new land, and is more likely to keep the poor out of sight and out of mind than to meet their real affordability needs. Findings have revealed that participants are desperately looking for government housing. Some of them have been staying in shacks for more than ten years, but there was nothing they could do other than wait patiently.

Housing needs often vary according to income. People with no income or whose income is not stable generally required institutional or other forms of welfare housing. People who earn stable incomes and at least upper middle incomes are more likely to prefer the security of home ownership. People with lower or middle-lower incomes, but relatively stable incomes, are more likely to have a need for rental accommodation than for welfare/institutional housing or a privately owned home (Kok and Gelderblom 1994).

However, the findings of this study have revealed that some participants earn no income at all, or only a very small income, and the source of such income is frequently informal sector activities.

Unequal access to productive resources and means of capital are factors that hinder women's economic empowerment and contribute to the feminisation of poverty. This is articulated by the fact that women's job opportunities and access to resources from this study are more limited, and women seem to be more vulnerable to the deepening economic crisis within the Ficksburg informal settlements.

5.8 Neo-liberalism and the informal settlement

Almost all the policies implemented post-1994 were said to be gender neutral. Gender equality is reached when different aspirations, behaviours, and the needs of women and men are equally valued and favoured (DoH, 2006). However, it seems that a lot still needs to be done on the implementation of gender awareness. This study has revealed that women still struggle to get access to land and government housing. The criteria for the allocation of such privileges are frequently discriminatory.

The post-1994 policies, as informed by the capitalist model, set the standards which are beyond the reach of the poor women to access financial institutions, such as home loan schemes or government subsidies. This is due to the fact that women's unemployment rates are usually higher than those of men. There is evidence that this disparity increased during the 1980s. Falling real wage levels affect both men and women, but the findings of this study suggest that women were worse affected (Afsher, and Dennis, 1992).

In Ficksburg gender ideology still sees women as being subordinate to men as capitalist systems favour men over women since they possess more income, and hence are able to comply with market demands.

Under neoliberalism, housing is privatised. In this case the State no longer provides accessible and affordable housing to people. However, people have to make their own plans to get access to housing. The plans include, among others, home loans from the commercial banks, and housing schemes. The new development seems to have affected large numbers of women negatively as they were mostly aimed at generating high profit (Napier, 2006). This left some women with no alternative but to live in the informal settlements as they had insufficient income to purchase their own land or houses.

In the context of the free market, adequate housing is often inaccessible and unaffordable to women with low wages. This is the reason which has led to the influx of people into the informal settlements. However, the free market ensures profitability in housing so that more houses can be provided. Commercial banks and other financial institutions make home loans available at high interest rates which are beyond the reach of the poor (Charlton, 2004). At the same time the State is not able to build houses for everyone.

The availability of land for housing in the urban areas of South Africa is a particularly sensitive matter. The reason for this is that the issue of land arouses strong emotions, especially among the black people. In South Africa the most privileged group is the whites, and this makes it possible for them to get access to valuable land, while blacks do not have enough money to buy land from whites. Only the middle class and rich blacks have access to land (UN-HABITAT, 2005).

The provision of land for low-income housing has therefore been a very complex matter for the State. The White Paper (1994) on urbanization states as a point of departure that land for housing should be provided well in advance, but there is strong resistance from the privileged groups. In Ficksburg farmers are evicting women and other poor from the places they considered to be their homes. The State is currently experiencing a number of problems when trying to provide land to the people. The senior manager at Setsoto has indicated that they have a problem with land scarcity as the larger part of the land belongs to the white farmers who are not willing to sell it.

CHAPTER 6

6.1 Conclusion

This study investigated the constraints which inhibit women from getting access to land and housing in the Ficksburg informal settlements in Free State South Africa. The intention was to obtain experiential evidence from the women who had experienced life within the informal settlements. The data were obtained by means of the qualitative approach, through interviews and participant observation.

“Coding” generated meanings which were relevant to the women in their situations. Constructs such as poverty, unemployment, homelessness, overcrowded accommodation, accessibility, and affordability have been widely used in the studies of informal settlements, but with little attempt to illustrate how women are affected by such issues. In this study the issues were examined with direct reference to women.

The point of departure for informal settlements in Ficksburg to be established was the need for accommodation due to homelessness. Young and old seemed to have been struggling for adequate housing in this area. However, women form a larger part of the struggle, as families in the informal settlements were female-headed.

This problem is attributed to gender dynamics within the settlements, and the capitalist system which has added more burdens on the roles of women as reproducers and producers. The neoliberal policies which were implemented in the post-1994 period to address the issues of poverty and unemployment have impacted negatively on poor women in the rural areas, and therefore seem to have exacerbated the deepening crisis of poverty in many African societies instead of eliminating it.

It is true that many policies were implemented after 1994 to address the issue of gender equality, as well as to neutralise gender ideologies in South Africa, but achieving gender equality still remains a great challenge. This is because patriarchal gender ideology is deeply rooted in the minds and cultures of African people. It is not easy to dispose of it over a short period of time, as it is a complex subject. It will take time for Africans to understand the disparity between gender reform and their own cultural norms.

6.2 Comments

Although there is no discrimination against women in housing policy, some laws still discriminate against women, which impact on the right of women to access land and housing. The studies have revealed that women married under Basotho customary laws generally do not have any inheritance rights. Also, unmarried or married women do not have a right to own properties like houses or land under these customary laws (Mapetla, 2005, Matere-Lieb, 1995).

As a result of these laws, women find themselves in the vulnerable position of being homeless or living in overcrowded accommodation, as well as being obliged to tolerate domestic violence to secure homes (Paglione, 2006). This has led to women migration from the rural areas, where they have no access to land or houses to towns where they may get a piece of land and own a house.

Findings reveal that participants do not qualify for housing or land subsidies due to their financial or marital status. For example, women married in community of property have to sign the form jointly with their husbands; and women who do not have dependants are not eligible for the subsidy.

Once women have received a housing subsidy with their spouses, they are generally considered to be ineligible to receive an individual housing subsidy, as they are regarded as beneficiaries of the former subsidy even if they have separated from their husbands (Charlton, 2004). It is clear that in many instances women are recorded in the National database as having benefited from the

subsidy, as they had already identified themselves as spouses of the primary beneficiary, and are therefore no longer eligible for another subsidy. This is another way of denying women any access to housing.

It has been found from this study that participants did not have a good standard of education; their education standards ranged between Grade 0 and Grade 10. Schools should therefore pay special attention by being gender-sensitive, whereby male and female may contribute equally to and have full access to knowledge, enjoy resources and possess self-esteem.

In the South African context, a sustainable-habitats' approach to low-cost housing must understand and prioritise health and livelihood issues for the poor. In terms of health, the basic needs for sanitation and affordable services still remain, with solutions to be found in both the political and technical realms. Women need dignified and improved sanitation systems. Clean, safe and cheap cooking and heating energy sources, as well as interventions on safe usage, new, larger low-cost housing designs and other low-cost options, such as rental properties are among things urgently needed (Charlton, 2004).

In terms of their livelihoods, closeness to economic opportunities is a major priority for poorer women, as are also job creation, training opportunities and education. Improvements in these aspects of social wellbeing should contribute to the development of ecologically healthy towns and cities. Further improvements can be achieved through densification strategies, alternative energy sources and the use of ecologically healthier building materials and practices (Huchzermeyer and Karam, 2006).

The positive signs discussed reside in the development of better-informed and more flexible policies that are more responsive to the lived realities of the women. The Breaking New Ground policy also addresses some of the institutional problems by encouraging inter-departmental partnerships within government and stronger relationships with key stakeholders in the private and non-governmental sectors (DoH, 1997).

6.3 Pull-and-push factors

Although the motivation for female migration is evident, the results of this study have shown that there are many other factors that explain why female migration takes place. For example, there are cases where participants have migrated from their original places with the purpose of getting a property of their own or escaping from domestic violence.

Married and unmarried women are therefore caught up by traditional male control and power in the allocation of houses and land which may frequently be more evident in the rural areas. Women counteract this gender dominance by migrating to towns and cities where they are able to establish their own homes and get their own plots in the informal settlements.

At the institutional level, the state plays a vital role in guaranteeing or denying women rights to access land through its legislation. Although the constitutional law in South Africa has allowed women to have access to land and housing, there are still socio-cultural elements embedded in institutional and interpersonal levels to prevent some women from gaining access to housing.

There is evidence that as long as customary laws are still in place male dominance will remain. Under these laws the matrimonial home is registered solely in men's names during marriage, this has left women with little likelihood of inheriting the house at the death of their husbands. Also if the matrimonial home is registered in the name of both the man and the woman in community of property marriage, women are left with no chance of owning another house if they separate from their husbands, as they still remain the primary beneficiary of their previous matrimonial home, and this fact renders them ineligible for any further state assistance.

The reintroduction of housing in South Africa in the name of BNG, though it has not yet spread to the whole country, is hoped to minimise the existing problems or to reach certain segments of the informal settlement by providing social housing. The houses are said to be provided with a fair proportion of built-in cost recovery from rentals to ensure that not too much of the available pool of resources is used. The BNG accommodation has provided subsidised rental accommodation which has made it easier for the people who are earning low incomes to access formal housing. This provides opportunities that allow for the realistic aspirations of the poor by

providing ways of dealing with despondency and of preventing a sense of fatalism among these people (DoH, 1997).

6.4 Challenges

In terms of international human rights law and South Africa's constitution, housing is an inherent element of human rights that applies to all people. Those who are inadequately housed have a distinct legal claim on housing rights (RDP, 1994). If this right is not fulfilled other civil rights will also be restricted. An example is that in many places persons must have a recognised address before they can receive services or take part in certain activities within the community, such as voting. This implies that homeless people are denied their political rights.

The lack of basic services seems to have contributed significantly to the poor health within these settlements. Failure to remove rubbish by the municipalities within the settlements may lead to the emergence of rats and mice, which in turn enter the homes and infect people with different diseases. Furthermore, children can play in the rubbish and pick up diseases from it.

The challenge facing the Ficksburg municipality then is that when women and young people migrate to the urban areas there seems to have been not enough land and funds to provide them with adequate houses. This as well seemed to have limited the municipality's service delivery because the municipality does not have enough resources to serve the whole population. Another challenge is that the land in the rural area is left unoccupied with only old people who are not able to adequately maintain it while young women are attracted by the better life and employment in the towns and cities.

6.5 Addressing research questions

The findings of this study have revealed the different constraints which inhibit women from getting access to land and housing. The results revealed that the participants who were either involved in the informal sector activities or were not working at all. This makes it difficult for

these women to buy land in towns, rent houses and get access to housing loans, since they have no work security.

The second constraint is a lack of security to access funds from the financial institutions. The participants claimed that they had no access to the financial institutions, as they did not meet the requirements of the financial institutions to get the funds. Constitutional laws, customary laws and the registration of title deeds also complicate women's access to land and their own houses.

Low standards of education and a lack of knowledge were found to be the third constraint. This study has revealed that the participants had a low standard of education; this made it impossible for them to get good jobs in the formal sector which might pay them better salaries, enabling them thereby to buy land or build themselves decent houses.

The double burden within the families has constrained women from building themselves decent houses. The participants were household heads with dependants ranging between 1 and 8 years in age. This left the women with the enormous responsibility of supporting their families and paying for their fees, as the findings revealed that these children were still in school. For this reason women were not able to buy land or rent good houses in towns.

The fourth constraint is the absence of any residential proof. Some participants reported that they did not have identity documents and this made it difficult for them to get access to any official benefits. Such people are not eligible to apply for housing grants or loans. In the rural areas traditional laws seemed to deny women access to property ownership, and hence increased the urban migration in search of accommodation.

The fifth constraint was a lack of transparency in housing delivery. The participants claimed that there was no transparency in the housing delivery procedure in Ficksburg. They claimed that there were no clear strategies on how the houses were to be delivered. There would appear to be corruption in housing delivery, as they applied and qualified for housing only to find that when the houses are actually delivered many would be overlooked without valid reasons.

However, the findings also revealed a sharp divergence on the findings, where the informal settlements were found to be far better than homelessness.

The prevailing economic situation does not allow the State to provide full housing subsidies to the poorest people. However, the government has implemented a number of policies to fight against the economic crisis that has surfaced since 1994 (DAG, 2007). Although the policies were very effective, the challenge women access to land and housing still remain unsolved due to the fact that the policies implemented seem to have impacted negatively on marginalised women.

The NGOs and the State have implemented a number of development programmes in the new democratic South Africa to address the problem of women's access to housing. However, the programmes seem to have worked up to a certain point. They seem to have benefited certain groups of people, and missed out others. The low and middle-income wage earners and immigrants seemed to have benefited a lot from the development programmes. The poorest women in the informal settlements have not benefited much from the development programmes. Hence, this has left the problem of women's access to housing unsolved.

To address the above challenge properly, the development programmes need to be redirected to the creation of jobs for the poor women in order to empower them to have enough income to get access to the market and buy themselves land and adequate houses.

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APPENDICES

Interviews Guide

A) Women in the informal settlements

1. Where does your age range?
2. Which is the level of your education?
3. How many children do you have?
4. How old are they and what is the level of their education?
5. What is your status? Where were you living before coming here? And what was your occupation?
6. Do you have land or house somewhere rather than here?
7. What are the procedures to follow to get access to land and housing in Ficksburg informal settlements?
8. What has made you to choose to come and stay here rather than renting house in town?
9. Tell me the story of how did you to change your original place and come and stay here?
10. What is your present occupation?
11. Which is the other source of income do you have rather than the one you have mentioned?
12. How long have you been staying here?
13. Can you briefly tell me how did you get to know and stay at this place?
14. Tell me the story of what do you like about this place or the advantages of staying here?
15. How was the original place compared to this one?
16. Have you ever heard about the government subsidised housing?
17. Did you apply for a house? (If yes)
18. When? Can you please relate what had happened with your application?
19. (If not) can you please give me reasons for not applying.
20. What are the requirements for a person to qualify for government subsidised housing?
21. Do you have any idea of different programmes of government subsidised housing?
Which are those and how do they operate?

22. Can you briefly give me a story of how to you leave here for example the problems you encountered through living here and the benefit you get through living here.

B) Managers at the Department of Housing

1. How do you define informal settlements? Can you briefly tell me kind of people you have in Ficksburg informal settlements.
2. Where do the people in the informal settlements mostly come from?
3. Briefly tell me the factors which you think are contributing to rapid growth of informal settlements in Ficksburg.
4. Can you briefly tell me how do you address the problem of homelessness and the problem of the people who granted themselves plots within the demarcated informal settlements?
5. Which cases do you considered to be extremes for immediate housing delivery?
6. Which attempts are you taking to address the problem of housing in the informal settlements?
7. Can you please explain to me how effective those attempts are if there are any?
8. Can you briefly tell me the requirements for a person to qualify for RDP house and a plot?
9. Tell me briefly the criteria that you use for selecting the people who qualify for housing subsidy.
10. Tell me how do you get money for RDP houses and for land to grant people within the informal settlements land?
11. How do you know that the person within the informal settlement has security of tenure?
12. Can you briefly tell me the problems that you are mostly encountering due to the existence of informal settlements?
13. Which policies do you think were implemented to address the problem of housing in the informal settlements?
14. Briefly tell me how effective those policies were. How do you think those policies have impacted on the poorest of the poor and women in the informal settlements?